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REPORTS OF COMMITTEES

OF THE

SENATE OF THE UNITED STATES

FOR THE

FIRST SESSION OF THE FORTY-NINTH CONGRESS

1885-'86.

IN ELEVEN VOLUMES.

Volume 1.—Nos. 1 to 90, inclusive, except No. 46.
Volume 2.—No. 46, part 1.
Volume 3.—No. 46, part 2.
Volume 4.—Nos. 91 to 392, inclusive.
Volume 5.—Nos. 393 to 784, inclusive.
Volume 6.—Nos. 785 to 1088, inclusive.
Volume 7.—Nos. 1089 to 1315, inclusive, except No. 1278.
Volume 8.—No. 1278, parts 1 and 3.
Volume 9.—No. 1278, part 2.
Volume 10.—Nos. 1316 to 1453, inclusive.
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* Changed to Mis. Doc. No. 75.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 393.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1988.]

The Committee on Pensions, to whom was referred the bill (H. R. 1988) granting a pension to Peter F. Seaman, having examined the same, report as follows:

Peter F. Seaman was a soldier in Company I, Seventh Pennsylvania Reserves. The House Committee on Invalid Pensions, in reporting to that body, state that they are of the opinion that this soldier entered the service a sound man. The report further states that his disabilities were incurred while a prisoner at Andersonville, and still continue, so that he is prevented from earning his living by manual labor.

From the facts contained in the said report, and the evidence there recited, this committee recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT. No. 394.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2197.]

The Committee on Pensions, to whom was referred the bill (H. R. 2197) granting a pension to Fidelia A. Cheney, submit the following report:

Upon examination of the papers in this case the committee find that Charles S. Cheney, deceased, was the husband of the claimant, Fidelia A. Cheney. That he was late a soldier of Company G, Ninety-seventh Pennsylvania Reserves, and that he was a pensioner upon the rolls of the Department.

From the evidence submitted the committee are of the opinion that the soldier died of sickness resulting from disease incurred while in the service, and therefore recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 395.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1248.]

The Committee on Pensions, to whom was referred the bill (S. 1248) granting a pension to John M. Young, have examined the same, and report:

That the evidence in this case shows that John M. Young was a private in Company B, Seventeenth Ohio Volunteers, and also of Company D, One hundred and twenty-ninth Ohio Volunteers, during the late war. Declaration for pension filed September 26, 1879; claimant alleges rheumatism, contracted during the Atlanta campaign in June, 1864; claim rejected April 27, 1883, on the ground of "no disability from cause alleged since discharge."

The claimant's statement is substantiated by affidavit of John Ebersole, captain Company D, Seventeenth Ohio Volunteers, dated March 17, 1882, in substance as follows: That John M. Young, private Company D, Seventeenth Ohio Volunteers, contracted rheumatism during the Atlanta campaign, on or about June 20, 1864, from exposure in the line of his duty.

Claimant's affidavit, dated January 14, 1881, states that he was treated by an assistant surgeon of his regiment, but that he cannot procure an affidavit from him because he cannot recall his name; that he was in hospital at Chattanooga, Tenn., but after a time rejoined his regiment and remained with his command until he was mustered out at expiration of term of service; that much of the time he could do only light duty, especially in wet weather, when his legs became stiff, and sometimes that he was entirely disabled from the same cause; that since his discharge he has been treated by C. B. Holcomb, M. D., for rheumatism, also by J. N. Riggs, M. D., for same disease.

Claimant's statement is corroborated by affidavit of Henry W. Young, dated February 22, 1883, to the effect that he had known claimant from 1865 to 1870, and knew him to be disabled with the rheumatism. Also affidavit of J. W. Hill, dated December 22, 1881, to the effect that he had known claimant intimately for the nine years last past, and knew that he complained continually of rheumatism during damp or wet weather, and that he was lame from rheumatism, and could not do half labor, and was paid accordingly. Also affidavit of George Lockhart, dated December 24, 1881, in effect that he had known him for seven years prior, and knew that he suffered as above stated, and that he could not do half work because of the rheumatism, and was paid wages accordingly.

Taking into consideration the evidence on file in this case, your committee believe it to be their duty to report in favor of this bill, and recommend its passage.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 396.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 239.]

The Committee on Pensions, to whom was referred the bill (S. 239) granting a pension to Sarah A. Briggs, have examined the same, and report:

That the records in this case show that Sarah A. Briggs is the widow of Henry J. Briggs, who was a private in Company K, Ninety-fourth Regiment Illinois Volunteers, and who was killed in action on the 8th day of January, 1863, and that she was entitled to, and did receive, a pension of $8 per month for herself and $2 per month each for her four children until they should each attain the age of sixteen years.

It is shown by the papers that she did receive the pension until the several children did reach the age of sixteen years, when she received the pension to which she was then entitled. The widow asks to have her pension increased to $16 per month.

In view of the fact that pensions to widows have been increased by recent legislation, and that it would be a bad precedent to increase this pension, and as there appears to be no special reason why this should be increased, your committee consider it to be their duty to recommend that this bill be indefinitely postponed.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 397.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1836.]

The Committee on Pensions, to whom was referred the bill (S. 1836) granting a pension to Libbie C. Montis, have examined the same, and report:

That it appears from the papers in this case that Libbie C. Montis is the widow of Mahlon D. Montis, a private in Capt. James E. Harle's Company G, Second Ohio Volunteers, in the war with Mexico in 1847. That while in the service he contracted a disease in the line of his duty, which became chronic and made him an invalid throughout his life, and for which he was pensioned.

From patriotic impulses he attempted to enlist during the last war, but was rejected for physical disability. At the urgent call of the Government for 100-day troops he did enlist and served for that time, and was honorably discharged on the 2d day of September, 1864, at Columbus, Ohio. In consequence of thus volunteering his name was dropped from the pension-roll, and he finally died of a complication of diseases which had their origin in the disease contracted while he was a soldier in the Mexican war and for which he was originally pensioned.

Declaration for pension filed December 28, 1885; claim rejected January 27, 1886, on the ground that the "death cause not due to service."

The statement of claimant is substantiated by affidavit of Mahlon D. Montis, dated May 23, 1851, as to the disease, which was contracted at or near Jalapa, Mexico, in July, 1848. Also, the affidavit of James E. Harle, captain Company G, Second Ohio Volunteers (war with Mexico), dated May 23, 1851. Also, affidavits of T. R. Robie, M. D., and J. H. Officer, M. D., dated May 23, 1851, corroborating original statement as to the disease contracted while a soldier in the war with Mexico; also, by affidavit of W. T. McMahon, M. D., dated May 7, 1875, that he had treated this soldier as his family physician since 1864 for the disease contracted in Mexico, which was at first and for many years chronic diarrhœa, which emaciated him very much, and as a result this soldier had at first nervous difficulties, which finally resulted in epilepsy, which caused his death.

The statement is further corroborated by the certificate of the board of examining surgeons, dated March 27, 1875, as to the condition of this soldier at that time, and they say that he was then "so disabled by disease as to be entitled to a pension of $8 per month," and is signed by J. B. G. Baxter, M. D., N. F. Graham, M. D., William Grinsted, M. D., and Luther C. Cox, examining surgeons.

The statement is further corroborated by an affidavit signed by S. S. Stearns, M. D., dated November 5, 1883, setting forth the fact that his disease was contracted during the Mexican war; also affidavit of Adolph Behrend, M. D., dated December 6, 1883, to the same effect.

The soldier died July 16, 1885.

Taking into consideration all the evidence filed in this case, your committee believe it to be their duty to report in favor of this bill and recommend its passage.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 398.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 858.]

The Committee on Pensions, to whom was referred the bill (S. 858) granting a pension to Simpson S. Skirvin, have examined the same, and report:

That the records in this case show that Simpson S. Skirvin was a private in Company A, Third Regiment Indiana Volunteers (war with Mexico), and that he contracted nervous disease and a disease of the eyes in the line of duty at the battle of Buena Vista, Mexico; and that he was treated for these diseases by the regimental surgeons, Drs. Athens and Dunn, but that these officers and first sergeant are all dead; and that he has suffered from nervous prostration and disease of the eyes ever since that time, namely, February, 1847. Declaration for pension filed December 13, 1882; claim rejected October 31, 1883, on the ground of "no record of claimant's inability to show origin of alleged disability."

Claimant's affidavit is supported by affidavits of John Knight and John M. Armstrong, dated November 10, 1883, in substance, that they knew claimant before he enlisted in the Mexican war; that they enlisted with him, and served through the war with him; that at the battle of Buena Vista, in February, 1847, while in the line of his duty and in battle he lost the use of his eyes and was attacked with nervous prostration, caused by a forced march and from exposure in wet and snow while on guard all night before the battle; that he was so sick for four months thereafter, that he was unable to do any duty, and that they often led him about because he was unable to see anything, and that his eyes have ever since been weak, and that he has ever since suffered from nervous prostration, and that they knew he was under the care of the regimental surgeons. Also, affidavit of James Medlock, dated March 5, 1885, who served in the same company and regiment with claimant, corroborating the above.

Also by affidavits of George W. Welch and George B. Rader dated February 19, 1883; that they have known claimant for thirty-five and fifty years, respectively; that they have been his neighbors during that time; that they knew he suffered from disease of the eyes, from impaired general health, and nervous disease ever since he returned from the Mexican war; and that he is incapable of working at all more than three-fourths of the time.

Also by affidavit of Joseph G. McPheeters, M. D., dated February 24, 1883, that he knew claimant to have impaired general health, and

that he had treated him for "heart disease," and that he had some disease of the eyes.

Also by certificates of George W. Burton, M. D., and Elisha S. McIntese, M. D., the board of examining surgeons, who describe chronic disease of the eyes incurred in the service.

Taking into consideration the evidence filed in this case, your committee believe it to be their duty to report in favor of this bill and recommend its passage.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 399.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 857.]

The Committee on Pensions, to whom was referred the bill (S. 857) granting a pension to Dudley B. Branch, have examined the same, and report:

That it appears from the papers on file in this case that Dudley B. Branch was a sergeant in Company F, Seventh Regiment Indiana Volunteers, and was injured June 9, 1862, at the battle of Port Republic, Va.

Declaration for pension filed December 17, 1875, claimant alleging inguinal hernia of left side, resulting from an injury received in the line of his duty at the battle of Port Republic, June 9, 1862.

Claim rejected June 26, 1883, on the ground of "no record of hernia and inability to furnish any evidence to show origin in service in line of duty."

Affidavit of claimant states that at battle of Port Republic, when the retreat was ordered, he saw a wounded comrade lying on the field, and he went forward hoping to assist him away, but becoming closely pressed by the enemy he was compelled to leave his companion and run to make good his escape. In getting over a fence he fell heavily, striking a stone or hard substance, and received the hernia in his left side. In escaping from the enemy he was cut off from his command, but rejoined it after eight days; that the only person he met in escaping was Lieutenant Holmes, of Company F, Seventh Regiment Indiana Volunteers, who was afterwards killed in battle.

Claimant's statement is substantiated by affidavit of Hurum P. Mullikin, dated May 22, 1883, in effect that claimant and he had been boys together, and he knew that claimant had no rupture prior to enlistment, and that he always had excellent health before the injury; that affiant was in the same company and regiment with claimant, and knew of his receiving the injury alleged at the battle of Port Republic, and that claimant called his attention to the injury at Front Royal soon atfer the injury was received.

Also by affidavits of William Harris and George R. Davenport, dated April 7, 1882, in effect that claimant was disabled by reason of the rupture two-thirds of the time. Also by affidavit of Thomas W. Johnson, M. D., describing the left inguinal hernia, and that it interfered with claimant's working or obtaining a livelihood by his usual vocation, that of a farmer.

The papers show further that claimant was treated in Eckington General Hospital, Washington, D. C., from April, 1863, for three months;

also, at the general hospital, Annapolis, Md., in August, 1863, and that he remained there two months, and was then transferred to the Veteran Reserve Corps, where he remained until expiration of term of service, September 6, 1864, when he was mustered out of the service.

Claimant's statement is further corroborated by examining surgeon's certificate dated July 14, 1881, in which he says that claimant is obliged to keep the parts adjusted with an instrument, and cannot go at all without it; and he suggests one-half pension, or $4 per month. The certificate is signed by W. J. Hoadley, examining surgeon.

Taking into consideration all the evidence filed in this case, your committee believe it to be their duty to report in favor of this bill, and recommend its passage.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 400.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submited the following

REPORT:

[To accompany bill S. 1103.]

The Committee on Pensions, to whom was referred the bill (S. 1103) granting a pension to Caroline E. French, dependent mother of Hayden T. French, have examined the same, and report:

That Hayden T. French, lieutenant United States Navy, was appointed midshipman in November, 1859, and continued to serve in the Navy until March 1, 1865, when he died of hemorrhage.

Declaration for pension filed May 28, 1879, by Elizabeth C. French, dependent mother, supported by affidavit, not dated, alleging hemorrhage as the cause of death, induced by disease contracted in the Navy, and that she was largely dependent upon her son for support, and that he did provide for her to the full extent of his ability.

Also, by affidavit of William M. French, dated May 26, 1879, corroborating above statement, and that Lieutenant French served with gallantry, for which he was promoted, and that he continued to serve in the Navy until severe hemorrhages rendered him unfit for duty, and he was taken home from the U. S. S. Dictator by President Lincoln's permission, where he died March 1, 1865.

Also, by letters from P. S. Wales, Surgeon-General United States Navy, dated September 16, 1879, referring to severe hemorrhages from lungs; and from George Peck, surgeon United States Navy, dated October 28, 1879, describing hemorrhage and consumption, and from Thomas N. Penrose, surgeon, United States Navy, corroborating above.

Also, affidavit of Delaney Wiley, M. D., dated November 22, 1879, that hemorrhage was caused by a wound or bruise on the right side, received during the engagement at the taking of New Orleans.

Also, affidavit of James F. Cravens, M. D., dated November 26, 1879, that deceased died from the effect of injuries received during the engagement at the capture of New Orleans.

Also, affidavit of W. W. Hester, M. D., dated December 5, 1879, that death was caused by hemorrhage from lungs or heart, resulting from overexertion consequent upon the engagement at New Orleans.

Also, affidavit of J. H. Woodburn, M. D., dated November 20, 1879, corroborating above.

Claim rejected December 23, 1879, on the ground of non-dependence.

That the mother was dependent upon Hayden T. French for her support is substantiated by affidavit of W. M. French, dated May 26, 1879, alleging chronic illness and inability to provide for Caroline E. French,

and to his own dependence upon Lieutenant French, their son. Also by affidavit of Elizabeth C. French, the mother of Lieutenant French, not dated, as to her dependence upon Hayden T. French, and that he purchased a small house out of his savings and deeded it to her just before his death, and that her husband cannot provide for her by reason of his ill-health.

The above is further corroborated by affidavit of J. H. Woodburn, M. D., as to the chronic illness of W. M. French and his inability to provide for the mother of Lieutenant French, and there are several affidavits of like character from physicians and neighbors, each corroborating the statement that W. M. French is unable, by reason of his sickness, to provide for Elizabeth C. French, the mother of Lieut. Hayden T. French.

The statement is further corroborated by letters from deceased to his father and mother, dated October 18, 1860, November 14, 1864, November 26, 1864, December 5, 1864, December 10, 1864, and December 20, 1864; also letters dated November 4, 1863; November 11, 1863, December 1, 1863, and December 19, 1863, also letter from George Peck, dated February 25, 1865, each and all containing references to remittances sent by Lieutenant French to his father and mother.

Therefore, taking into consideration all the evidence filed in this case, your committee believe it to be their duty to report in favor of this bill, and recommend its passage.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 401.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 977.]

The Committee on Pensions, to whom was referred the bill (S. 977) granting a pension to Elizabeth Barker, have examined the same, and report that it appears from the records in this case that Elizabeth Barker, now aged ninety-three years, is the widow of Henry Barker, who was a private in Capt. Paul French's company, Fifth Regiment Indiana Volunteers, and served with that company during an invasion of Indians in the months of May and June, 1812, and that the soldier Henry Barker died near Jasper, Ind., August 22, 1846, and that his widow did not again marry.

It is shown that British emissaries were at this date, as they had been for a considerable period, engaged in attempts to incite the Indians against the settlers on the frontier; and that the services of Capt. Paul French's command were rendered in connection with a series of events which immediately preceded the war of 1812.

Declaration for pension filed October 25, 1878; claim rejected April 23, 1879, on the ground that the services were rendered prior to the war of 1812. The official records show that Henry Barker actually served as a private in Capt. Paul French's company, Indiana Volunteers, from May 11, 1812, to June 10, 1812, and that the company was "ordered into the service of the United States by Lieut. Col. Joseph Paddocks on an invasion of the Indians."

It appears that the State of Indiana was much disturbed during this period by Indian invasions and depredations, and that the British incited them to these acts and were the cause of the trouble which Capt. Paul French's company was called upon to quell. It is believed that the spirit of the law and the intent of the law-makers was to recognize just such services as were then rendered by Henry Barker; and taking into consideration all the circumstances, the committee believe it to be their duty to report in favor of this bill and recommend its passage.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 402.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2689.]

The Committee on Pensions, to whom was referred the bill (H. R. 2689) granting a pension to Delilah Knill, have examined the same, and report:

Your committee have carefully examined the facts of this case and agree in the conclusions reached in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 574), and therefore recommend the passage of the bill.

That Delilah Knill is the widow of Thomas H. Knill, Company D, Second Regiment Wisconsin Infantry Volunteers.

He enlisted April 20, 1861, and was discharged March 23, 1863, on surgeon's certificate for gunshot wound on the back of right hand, completely destroying the functions of the extensor tendons. The wound was received in battle near Gainesville, September 28, 1862. Government granted him a pension for his disability at $6, $8, and $15 per month up to the time of his death, April 19, 1883. The widow filed application for pension in her own right June 17, 1884, which was rejected on the ground that the soldier's death was accidental and not due to his service.

It appears the soldier at the time of his death was attending an engine in the Norwegian Plow Works, in the city of Beloit, Wis. It happened as follows: He was putting rosin on the belt from the main shaft of the engine, for which purpose he stepped on a block used for that purpose, which stood between the wheel and the wall and was about 2 feet high; that in stepping down off the block his foot turned and he stumbled and fell directly into the wheel and was instantly killed. Had he not been crippled in his right hand this would not have happened, because close by the block on his right hand was a bench used for support, which he would have caught and not fallen, but having in his left hand the rosin and the right being crippled by the gunshot received in battle, he was not able to save himself from the fall and consequent death. This is the testimony of J. C. Bokardy, an eye-witness, whose reputation is certified as good.

It seems to your committee that it is not a forced or strained conclusion to connect the death of this soldier with his military service. All the circumstances connected with it are so natural and easy to understand that there is hardly a doubt that if his good right hand had not been rendered useless in the defense of the nation's life, it could easily have saved his own by holding to the support within his reach.

It is further shown that Delilah Knill is poor, and since the death of her husband depends solely on her daily labor her own and children's support. This appears from the testimony of the present mayor, marshal, and aldermen of the city of Beloit. All the evidence points to the fact that she is the worthy widow of a brave and worthy soldier, and while the Commissioner of Pensions is clearly in the right in rejecting her claim under the pension law, we believe it is a case appealing strongly for Congressional relief, and we therefore recommend that the bill do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 403.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2805.]

The Committee on Pensions, to whom was referred the bill (H. R. 2805) granting a pension to Mary S. Douglas, have examined the same, and report:

Your committee have carefully examined the evidence set forth in detail in the annexed report of the House Committee on Invalid Pensions (House Report No. 749), and adopt the same, with the recommendation that the bill do pass.

[House Report No. 749, Forty-ninth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2805) granting a pension to Mary S. Douglas, have had the same under consideration, and beg leave to submit the following report:

Claimant filed her application for pension as dependent mother of Thomas Douglas, late private in Company C, Second Maine Cavalry, November 23, 1864, which application has been rejected by the Pension Office on the ground that the soldier was not in the line of duty at the time of his death.

The evidence shows that Thomas Douglas served nine months in Company C, Twenty-sixth Maine Volunteers, when honorably discharged. He re-enlisted December 3, 1863, in Company C, Second Maine Cavalry, and served until his death, March 2, 1864.

It appears that on February 29, 1864, Thomas Douglas was given a pass to go from Augusta, Me., where his command was then stationed, to Gardiner, Me., to see his mother and arrange for her maintenance during his absence, as the regiment had been ordered to the front. A portion of this pass is on file with the papers in the case. The pass ran from 6 o'clock p. m. February 29, to 8 a. m. March 1, 1864. About 10.30 o'clock p. m. on that evening, while driving in a narrow street in said Gardiner, he was run into by a wagon driven by one Edward Tozier, was thrown out of his vehicle and seriously injured, from the effects of which injuries he died as above stated.

Edward Tozier testifies that the accident occurred on Water street, in said town of Gardiner, opposite a saw-mill, in front of which was a pile of lumber. The street is very narrow, and with a steep bank on the other side, and with the obstruction referred to made the passage of two wagons scarcely possible. The night was very dark, and although neither of the wagons was driven fast, the accident resulted in the breaking up of the same and the injury of the soldier, as well as of the affiant.

Ellen M. Hodgdon testifies that she resided nearly opposite the saw-mill on Water street in said town of Gardiner; that about 8.30 p. m. of February 29 she met the soldier, and was by him informed that he came to town to pay a few bills for his mother and leave her some money, as the command was going away in a few days.

She further states that about two hours later, while in her house, she heard wagons approach from opposite directions, followed by a crashing noise, as though the wagons had collided against the board piles in front of the mill. She went to the street and there found the soldier badly injured. He was taken to affiant's house, and next morning removed to his home.

Dr. Plimpton testifies that he was called upon on the morning of March 1, 1864, to treat Thomas Douglas for injuries received on the previous evening by being thrown from a wagon, and that he died from said injuries March 2, 1864.

It further appears from the evidence on file that claimant's husband at time of the soldier's death was almost totally disabled by reason of an amputated arm; that he was not possessed of any property, and that the family depended almost entirely upon the soldier son for support. It is shown by competent and reliable witnesses that the son furnished the necessaries of life and paid the rent for his parents for three years prior to his enlistment; that he gave to them the bounty paid to him at enlistment, and that at the time of the fatal accident he was on a mission of love, anxious to make ample provision for his dependent parents.

While the general pension laws debar the Pension Office from a favorable consideration of the claim, because soldier was on leave of absence or pass at the time of the receipt of the fatal injuries, yet your committee are fully of the opinion that Congress should grant relief to the claimant, now seventy-seven years of age and dependent upon charity, and therefore report favorably upon the bill and ask that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 404.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2804.]

The Committee on Pensions, to whom was referred the bill (H. R. 2804) granting a pension to Clayton E. Rogers, have examined the same, and report:

That the facts in this case are fully set forth in the following report of the House Committee on Invalid Pensions (House Report No. 690). Your committee adopt that report and report back the bill with a favorable recommendation.

Clayton E. Rogers claims pension on account of loss of ring finger of right hand, the result of erysipelas contracted while in the military service. His claim has been rejected by the Pension Office on the ground that the evidence fails to show that the alleged disability originated in the service and line of duty.

Your committee have carefully examined the papers filed in the support of the claim and find the following facts:

Rogers enlisted July 16, 1861, in Company I, Sixth Wisconsin Volunteers, and served until November 1, 1861, when he was promoted to second lieutenant of said company. A month later he was promoted to first lieutenant, in which capacity he served until July 14, 1863, when he was compelled to resign on account of serious sickness in his family. On March 6, 1865, he again entered the service as captain of Company B, Fiftieth Wisconsin Volunteers, and served until January 4, 1866, when mustered out. He served gallantly upon many fields of battle, including those of Gainesville, Bull Run, Antietam, and Gettysburg, his command belonging to the "Old Iron Brigade."

Under date of November 1, 1865, he was detached from his command and placed upon court-martial duty at Saint Louis, Mo. While on said duty he contracted a slight sore on the ring finger of the right hand. About that time he was subpœnaed as a witness in a murder case, then on trial at his home in Wisconsin. While obeying the order of the court, from some cause, probably from cold, erysipelas set in the then slight sore on said finger, and upon his return to Saint Louis, about December 26, 1865, it became necessary to amputate the finger at the upper joint. Subsequently it became necessary to amputate the remaining joints.

These facts are fully proven by record and other evidence. The claimant is a man of the highest character, and his witnesses are likewise reputable.

The rejection of the claim was based entirely upon the unsworn statements of one Dr. Gage, of Sparta, Wis., who treated the claimant for erysipelas while at home as a witness as aforesaid; that he at time of claimant's treatment "obtained from some source an impression" that the sore of the finger was due to a cause not chargeable to the service.

Your committee are of the opinion that such indefinite and unsworn statements of a person now infirm by age should not work to the prejudice of a claim so well established otherwise, and thus deprive a soldier who served so long and faithfully in the defense of his country of the small pension to which his present disability entitles him.

In view of this your committee return the bill, with the recommendation that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 405.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2802.]

The Committee on Pensions, to whom was referred the bill (H. R. 2802) granting a pension to Sarah A. Lovell, have examined the same, and report:

The facts are set forth fully in the annexed report, upon which claimant asks for the passage of this bill (House Report No. 692). Your committee have carefully examined the same and recommend the passage of the bill.

The claim of Sarah A. Lovell as the dependent mother of Richard B. Lovell, late private of Company F, First Wisconsin Volunteers, was rejected by the Pension Office on the ground that she was not dependent upon the soldier at the time of his death.

We find from an examination of the papers in the case that Richard B. Lovell enlisted in the command aforesaid August 29, 1861, and was killed in battle at Perryville, Ky., October 8, 1862. It appears from the letters written to his parents while in service that at different times he forwarded money to them for their use and benefit. By the report of the special examiner it is shown that the soldier came to Pierce County, Wisconsin, in company with the rest of the family, some years before the war. The father rented a small place, while the son, together with his brother Francis, took up 160 acres of land, which they commenced improving.

At the time of his son's enlistment, claimant and her husband lived with their sons upon the place then under improvement. Prior to the soldier's death he conveyed his half interest in the place to his father, the claimant's husband, in order that they should have a home should anything happen him while in the service of his country. Francis Lovell likewise sold his interest in the place to the father, receiving as a consideration a few head of cattle. Claimant and her husband remained on the place until 1878, when 120 acres thereof were sold for $720, and the remaining 40 acres were deeded to the claimant, and upon which she resides jointly with another son.

Claimant's husband at the time of the son's enlistment and up to date of his death, which occurred in 1881, was a sufferer from disease of heart, and in consequence thereof disqualified for the performance of manual labor much of the time. The claimant, now over seventy-five years of age, has, through her industry, helped much towards the support of the family. Her infirmities prevent her from further efforts in that direction. Her only income is that derived from a share of the products raised on the little place, not exceeding $100 a year, out which taxes and other necessary expenses, aside from subsistence, must be met. She has given to her country a son, who, by his noble deed, gave her a home, and who, had he been spared, would not fail to provide further for the wants of his mother in her fast declining days.

Your committee are of opinion that it is clearly shown that the soldier aided very materially in the support of the claimant, and that it was due to his generosity that claimant after his death, and while yet in vigor of life, was enabled to live a comparatively comfortable life. Her present age, however, together with the entirely inadequate income derived by her, suggest to your committee the justness of her request for aid, and therefore report favorably on the bill under consideration, and ask that it do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 406.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2798.]

The Committee on Pensions, to whom was referred the bill (H. R. 2798) granting a pension to Bruner D. Hyatt, have examined the same, and report:

The facts of this case are fully set forth in the appended report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 691).

Your committee adopt the same and recommend that the bill do pass.

Claimant enlisted October 3, 1861, as private in Company A, Twelfth Wisconsin Volunteers, and was discharged May 29, 1862, upon surgeon's certificate of disability, setting forth that soldier is incapacitated for the performance of military duty since February 10, 1862, by reason of epilepsy.

His claim for pension on account of epilepsy has been rejected by the Pension Office on the ground that the alleged disability existed prior to his enlistment.

This action seems to be based entirely upon the statements of one Cyrus F. Corvell, made before a special examiner of said office, to the effect that about July, 1855, he had claimant employed as a carpenter in erecting a building at Lewistown, Minn.; that while thus employed he found claimant one day after dinner setting against a tree with clinched arms and drawn-up legs, apparently unconscious.

That it was affiant's opinion that claimant was then suffering from an epileptic fit, but cannot now state whether his face was purple, whether he frothed at the mouth, whether his hands were cold, or whether he exhibited any other signs usually attending an attack of epileptic fit. Claimant recovered from this attack in about five minutes. Heard him say it was caused by the heat. Affiant kept up his acquaintance with the claimant until the latter's enlistment, and never knew him to suffer from any similar attack as that above described.

In support of the claim we find ample proof of prior soundness, not only among the evidence filed by the claimant, but also in the testimony of a large number of credible witnesses taken by the special examiner.

Dr. O. F. Manson, late captain in claimant's regiment, a person of undoubted veracity, testifies that claimant's disability originated in the service, under the following circumstances: While in camp at Madison, Wis., in winter of 1861, prior to the march southward, the command was short of tents, in consequence of which the men were much crowded. In the center of the tents an excavation was made in the ground and covered with sheet iron and stove pipes attached thereto for draft. The weather was very cold, necessitating the production of great heat in these temporary stoves. Many cases of lung fever and congestion followed. Knows that from this exposure claimant's nervous center became disturbed, and that he did not recover while in the service; in fact it resulted in fits which necessitated his discharge. Knew claimant intimately before enlistment and knows that he was a well and able-bodied man.

Two comrades also testify that claimant took a cold while at Madison, Wis., in the winter of 1861; that he had another spell of sickness while at Fort Leavenworth; recovered and went with the command to Fort Scott in the spring of 1862, and remained with the same for about three weeks, when he was again taken sick and sent away. They cannot positively state the nature of claimant's disability while in the service, but are of the impression that he suffered from some trouble of his side or chest.

The surgeons who treated claimant in the service are dead.

The continuance of the disability since date of discharge is clearly shown by both lay and medical evidence, including examining surgeon's reports.

Claimant, whose reputation for truth is reputed good by the special examiner, states under oath that the attack from which he suffered in 1855, as described by Corvell, was simply a cramping spell, caused by the use of too much water during that day and the eating of green cucumbers for dinner.

Your committee are clearly of opinion that claimant was a sound and able bodied man at time of his enlistment; that from exposure to cold and draft he contracted an affection of the nerves, which by subsequent exposure resulted in epileptic fits, from which he has suffered in a pensionable degree ever since discharge, and therefore report favorably on the bill under consideration, and ask that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 407.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2797.]

The Committee on Pensions, to whom was referred the bill (H. R. 2797) granting a pension to John L. Hunter, have examined the same, and report:

Your committee have carefully examined the annexed report of the Committee on Invalid Pensions, made during the present session (House Report No. 688), and adopt the same, and recommend the passage of the bill.

Hunter filed an application for pension August 9, 1876, setting forth disability from partial loss of sight while serving as private in Company I, First Minnesota Mounted Rangers. His claim has been rejected on the ground that the disability existed prior to his enlistment.

A careful examination of the files of the Pension Office discloses the following facts:

Hunter enlisted October 18, 1862, and was discharged March 21, 1863, at Fort Snelling, Minn., on surgeon's certificate of disability, setting forth that soldier is suffering from rubeola and parotitis, inversion of eyelids, and partial opacity of cornea, all combined with great degree of great debility. In addition to the foregoing description of the disability by the surgeon the captain of the company states upon said certificate that the soldier's eyes were weak at time of enlistment; otherwise he was strong and healthy. He further adds: Weakness of eyes caused by being in the dust for past five days; took severe cold from want of blankets and proper bedding, which resulted in almost total blindness and general debility.

The records of the Surgeon-General's Office show that Hunter was admitted to Fort Snelling post hospital December 21, 1862, with rubeola, and remained under treatment until March, 1863.

A number of reliable persons, including the family physician of the soldier prior to the war, testify to his soundness and freedom from disease of eyes at date of his enlistment. A continuous disability from date of discharge to present time is clearly shown.

The examining surgeon finds chronic inflammation of both eyes and lids with partial paralysis of the lids, with watery discharge from both, and signs of cataract of right eye. Rate of disability total. During a recent special examination nine witnesses of general good reputation testify in the most positive terms that claimant was sound in every particular before and at time of his enlistment, while four witnesses testify that in their opinion his eyes were weak before his service.

It may be true that claimant's eyes were not as strong as some persons' eyes, yet there is nothing to show that prior to his enlistment he was in any way disqualified for the performance of manual labor, or subsequent to enlistment for the performance of military duty until after exposure to dust, cold, and measles, either of which can reasonably be charged with the claimant's present condition, in particular the latter.

That exposure in the military service has resulted in claimant's present disability cannot be doubted upon the showing made in the case.

Your committee are clearly of opinion that the case is meritorious, and that the relief asked for should be granted, and therefore report favorably on the bill and ask that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 408.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2791.]

The Committee on Pensions, to whom was referred the bill (H. R. 2791) granting an increase of pension to George Wells, have examined the same, and report:

After a careful examination your committee adopt the report of the House committee (House Report No. 689), hereto annexed, and recommend the passage of the bill.

George Wells enlisted in Company I, One hundred and ninth New York Volunteers July 10, 1863, and was discharged on surgeon's certificate of disability December 23, 1864, by reason of "phthisis pulmonalis," induced by exposure in the service. He was granted a pension for disease of lungs at $6 from date of discharge; $8 from December 24, 1870; $10 from April 12, 1876; and at $12 from August 10, 1877, the rate now paid upon his certificate.

Under date of July 27, 1877, he alleges, in addition to disease of lungs, partial paralysis of right side, caused by the same exposure which resulted in disease of lungs.

In support of this claim for additional pension, we find among the files of the Pension Office the affidavit of Dr. Heath, setting forth that upon his return home in December, 1864, claimant suffered from disease of lungs and partial paralysis, for which affiant rendered treatment during the following winter and spring and at different times since.

Mary Ripenback, a professional nurse, testifies to claimant's condition at date of discharge, substantially the same as Dr. Heath, and states that she advised the use of electricity for the paralysis, and that it was used, but without effect.

Dr. S. A. Sheldon also testifies to treatment for partial paralysis since 1871.

The captain of the company testifies that at the battle of the Wilderness claimant became overheated, and subsequently took cold and was sent to the hospital.

The credibility of the witnesses above referred to is not questioned.

The records of the Surgeon-General show that claimant was admitted to Stanton General Hospital, Washington, D. C., May 13, 1864, from the field, with rheumatism, transferred to Mower's General Hospital, Philadelphia, May 18, 1864, where treated for rheumatism until June 2, 1864, when sent to Davis Island General Hospital with chronic rheumatism. Admitted to Rochester (N. Y.) General Hospital June 7, 1864, for chronic diarrhea, and returned to duty August 9, 1864. Again admitted to field hospital with fever, and treated for same and phthisic from August 27, 1864, to September 19 following. Transferred to Emery General Hospital, District of Columbia, with debility, and treated until discharge as aforesaid.

Every medical examination in the case shows the existence of partial paralysis in a pensionable degree.

The claim for increase on account of this disability has been rejected by the Pension Office on the ground that it is not legally established as an independent cause for pension, and that it cannot be held as resulting from disease of lungs, the disability for which pension has been granted.

Your committee are of the opinion that the record and other evidence in this case show clearly that claimant was free from partial paralysis of right side at time of his enlistment; that he served faithfully eleven months before disabled from any cause; that immediately following the great exposure of the troops in the Wilderness campaign he came under medical treatment for rheumatism as diagnosed by the surgeon, and continued under treatment for other disabilities, all reasonably chargeable to the exposure of said campaign, until discharged.

It is further shown that the partial paralysis existed at date of his return from the service, and that he has been suffering therefrom ever since.

The record of rheumatism, chronic rheumatism, chronic diarrhea, and general debility, during the last six months of claimant's service, is, in the opinion of your committee, a sufficient explanation of the partial paralysis shown to have existed at date of discharge and ever since.

Believing that the relief asked for should be granted, we return the bill with the recommendation for its favorable consideration.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 409.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2755.]

The Committee on Pensions, to whom was referred the bill (H. R. 2755) granting a pension to Robert Monahan, have examined the same, and report:

The facts in this case are fully detailed in the annexed report (House Report No. 1041). Your committee adopt this report, and recommend the passage of the bill.

Monahan enlisted in Company B, Twenty-third Wisconsin Volunters, August 21, 1862, and was discharged on surgeon's certificate of disability August 8, 1863. Captain Duncan states in said certificate that the soldier "has an affection of the spine, and also deafness which increases daily; the former has been contracted while in the service by exposure, and the latter increased by reports of artillery and small-arms, rendering him unfit for duty."

Claimant filed his application for pension September 19, 1877, setting forth that he contracted deafness during the Vicksburg campaign, in the spring of 1863.

Captain Duncan further testifies that claimant showed no signs of deafness until exposed to heavy continuous firing of guns at Vicksburg in May, 1863, when his hearing was badly injured, and it became difficult for him to hear commands in the ordinary tones of voice used on parade or drill. He further states that the spinal difficulty originated while lying in the Yazoo swamps at the time General Sherman made his front attack on Vicksburg.

Dr. William M. Blair, a physician of thirty-five years' practice, testifies that he has known claimant since about the year 1849, and was his family physician prior to and at time of his enlistment, and knows of his own personal knowledge that claimant was not deaf or troubled with deafness before service, and that upon return from the Army he was afflicted with deafness.

Dr. Ray also testified to a long acquaintance with the claimant prior to his enlistment and to his freedom from deafness at that time.

A number of neighbors of unquestioned veracity likewise testify to claimant's soundness at enlistment.

During a special examination of the claim in 1879 some of claimant's relatives testified that prior to his enlistment he at times was slightly hard of hearing, but not so much as to attract any attention, and that upon his return from the service his hearing was permanently impaired. No opportunity was afforded the claimant to be present at said special examination; neither was his own statement taken by the special agent.

Upon this showing the claim was rejected by the Pension Office on the ground that the disability existed prior to soldier's enlistment.

Since the rejection of the claim considerable additional evidence has been filed, all tending to show that claimant was in no way disabled by reason of impaired hearing prior to his enlistment.

Medical examination in 1878 shows that claimant is entirely deaf in left ear and partially deaf in right ear. The examining surgeon certifies that he plugged the

right ear, blindfolded the claimant, and fired off a pistol in the room in which he examined him, and within three feet of the left ear, and that claimant gave no evidence of hearing the shot.

The disability has since increased, and now can only hear with difficulty by an ear-trumpet.

Claimant is sixty-eight years of age, and much in need of the assistance for which he asks.

Even were it true that claimant prior to his enlistment was at times laboring under a very slight defect of hearing, there is not a particle of evidence that he was in any way inconvenienced thereby, while, on the other hand, it is clearly shown that for ten months after enlistment he was in every way qualified for the performance of military duty, and did serve faithfully until from exposure in the Yazoo swamps and to heavy and continuous cannonading in front of Vicksburg his health became impaired and his hearing so defective as to disqualify him entirely for the performance of any duty.

Your committee are clearly of opinion that the exposures heretofore referred to are directly chargeable with claimant's present disabled condition, and therefore report favorably on the bill and ask that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 410.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

MR. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2753.]

The Committee on Pensions, to whom was referred the bill (H. R. 2753) for the relief of John W. Robson, have examined the same, and report:

The report of the House Committee on Invalid Pensions (House Report No. 549) sets forth the facts of this case in detail. Your committee have examined the same and adopt that report, recommending the passage of the bill.

A similar bill was introduced in the Forty-eighth Congress, and reported favorably, which report we adopt as our own, and is hereby submitted as follows:

[House Report No. 1938, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to which was referred the bill (H. R. 3833) for the relief of John W. Robson, having had the same under consideration, hereby submits the following:

The accompanying bill asks that John W. Robson, of Madison, Wis., be placed upon the pension-rolls of his country, subject to all the limitations and provisions of the pension law.

His case is a sad one, and his cause meritorious to the last degree, the history of which shall be briefly recited.

John W. Robson, a native of Great Britain, who came to America in 1850, enlisted as a private at Milwaukee, Wis., in the Sixth Battery, Wisconsin Volunteers, September 13, 1861, going at once into training at Camp Utley, Racine, Wis. After training a little less than two months, he was not mustered in, but was discharged, because his body lacked half an inch of the prescribed height. He thus not only lost compensation during that period, but lost his own time and the proceeds of his private business, and was compelled to beat his way home without money, being aided a portion of the way by the kindness of a benevolent lady, who hearing his parley with the railway conductor, paid the required fare.

A few months later, being still anxious to serve his adopted country, Mr. Robson was informed by Lieut. A. W. Bishop, now of the Regular Army, that the question of under size would probably not be again raised against him, as the needs of the Government were becoming more urgent, and to recruit a company of eleven men and he should have a suitable office as a reward. He therefore recruited in Sauk County, Wisconsin, the company of eleven soldiers.

In the mean time Lieut. John W. Fancher returned and began recruiting for the Sixth Battery, and wanted Mr. Robson and his recruits. As the Sixth Battery was the one in which he originally enlisted, he went to Milwaukee, taking the eleven recruits, all of whom enlisted with him. Not having a knowledge of the ways of the world, Mr. Robson received no commission for his successful recruiting and enlistment, but went into and through the rebellion as a private, while the credit that belonged to him was enjoyed by Lieutenant Fancher.

After gathering several deserters and about thirty volunteers, Mr. Robson was sent to the front in charge of them, arriving at Rienza, Miss., within twenty days and in time to participate in the terrible battle of Corinth, October 3 and 4, 1862, which was the first engagement of the Sixth Wisconsin Battery, that had enlisted more than a year before, and from which he had been excluded, as already mentioned.

Thus Mr. Robson, by reason of having been discharged for short stature, lacked about ninety days of being able to veteranize under the act of Congress of 1863. Those who enlisted first with him veteranized under that act and re-enlisted, receiving $400 bounty and a forty-day furlough each. He had enlisted with them, but could not veteranize nor receive a furlough or a bounty. He participated in all the battles of his battery, and also served during the period while the veterans were enjoying their bounties and furloughs at home.

He was mustered out in July, 1865, having fought as long and in as many battles, for half as much money, as those who enlisted at the time of his first enlistment.

On returning home, he was taken ill with rheumatism, chills and fever, and the malarious diseases contracted during Army life. He was better and worse at intervals, sometimes confined to his room, and sometimes able to be out. While partially convalescent, he was asked by Nye J. Gibbs, adjutant-general of Wisconsin, to superintend the firing of a national salute on the 22d of February, 1866, in celebration of Washington's birthday.

Being an expert artilleryman, which was the reason of the request, he complied, though too ill to attempt any labor or business, and began firing from a cannon relinquished by the Federal Government. The gun, having an imperfection, of which fact, however, he was not aware, exploded a charge prematurely, and severed his right arm at the shoulder, and otherwise severely injured him.

The wounds were at once aggravated by the malarious poisons which his system had absorbed in the South, and which were still further developed and brought into activity by those injuries, and he is not healed to this day. For five years he was unable to walk without a staff, and unable to work. For weeks and months together it was necessary to keep a child or nurse to carry food or drink to his mouth, so deeply were his bones affected by this malaria.

Finally the insidious poison left the wounded part, and concentrated itself in his head. A portion of the skull bone was cleft; other portions are now loosening; the cranium is bare, cracked and feverish, a source of infinite pain, suffering, trouble, and expense, and in such condition as to render traveling away from home impossible without an attendant.

Thus Mr. Robson, who served valiantly through the rebellion with his two brothers, is not only disabled for life, but is also an invalid for life. He was ill at the time of firing the salute of February 22, 1866, the direct effects of his Army life; but as he had no hospital record, having served every day without a moment's furlough, and as his legitimate Army illness was so overshadowed by and merged in with the results of the accident just mentioned that he and his physicians were for the time unable to clearly separate the legitimate results of the two, he did not apply for a pension. These same difficulties have ever since restrained him from asking an annuity under the general pension laws, though, with his friends, he never doubted the justness of his claims.

He was preparing to make an application for a pension when the explosion took place; but after that the physician who attended him (Dr. A. H. Rudd) died; the old war diseases mixed and merged with the wounds resulting from the explosion so that subsequent medical advisers were unable to testify to his exact condition before the injury, though they agreed that his terrible afflictions were originally caused by Army life, and thus he has been dragged along, close companions of despair—alternately renewed and deferred hope, and poverty.

If those who wish, in dealing with the soldiers, to make the word of promise to the ear and break it to the heart, desire, they can, indeed, balance themselves on the technical point that Mr. Robson did not suffer *all* his disabilities in battle; but he served every day for over three years faithfully and gallantly in the rebellion; the fact that he was one-fourth of an inch under the prescribed standard height deprived him of those bounties, privileges, and emoluments enjoyed by his taller comrades who enlisted with him; he gave his skill and services to fire a national salute in honor of the birth of the Father of his Country, which resulted in shattering an arm and shoulder, and intensifying the operations of the malaria absorbed in the Army; in short, he is disabled, one-armed, and an invalid for life, because, and only because, he was a soldier.

His present deplorable condition of poverty and physical ailments are the direct result of his service to his country, without any qualification or reservation whatever. Because, then, the circumstances attending his disability were such that it would be difficult for him to secure an adequate annuity under the general pension laws, should he, amidst so many recipients of aid by special act of Congress, be denied justice?

Mr. Robson, when the country was in the throes of civil war and the result was quivering in the balance, might have fortified himself behind a technicality and even escaped the draft by showing that he was less than the standard height. But he did not. After being rejected once for this reason he tried again, when times were more troublous, and every faithful, patriotic volunteer was a precious gift, and being accepted in spite of the technicality of short stature, bore the burden of a private gunner to the end of the rebellion.

Can this great Government, which he helped to save, and for and in whose service he has been physically ruined, now hide behind a paltry technicality, which he scorned in the hour of need, and deny him a few crumbs from our bursting Treasury? This Government must be just if not generous. It has been generous with thousands; let it now be just with this one crippled, sick, and pensionless veteran, the son of a foreign country, who can rest his cause upon nothing but his own merits and the honorable intentions and correct judgment of the Congress of the United States. Do not thrust him aside like an old stage-horse, because the country has had the benefit of his youth and strength, and has no further use for his sick and crippled body, for the time may come when we shall need the services of his young sons now struggling on through the poverty that patriotism entailed upon their father and upon them.

Wherefore your committee recommends the passage of said bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 411.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4346.]

The Committee on Pensions, to whom was referred the bill (H. R. 4346) granting a pension to Elijah W. Putney, have examined the same, and report:

The facts in the case are fully detailed in the report of the House Committee on Invalid Pensions, which we adopted (House Report No. 876). After a careful examination of this case your committee recommend the passage of the bill.

Putney enlisted October 31, 1863, in Company I, Second Minnesota Cavalry, and served until mustered out, November 22, 1865. He filed application for pension November 8, 1877, on account of piles, alleged to have been contracted in August, 1864, while on a long and fatiguing march on the plains of Dakota.

There is no record evidence of the origin or existence of the disability in the service, neither is there any medical evidence of treatment therefor in service or since. In support of the claim we find the affidavits of the captain and two comrades of the claimant as to origin, and those of four neighbors and three members of his family to show soundness at enlistment and existence of piles at discharge, and continuous disability therefrom ever since. The captain testifies that during the latter part of his service claimant complained of piles, but affiant cannot remember to what extent he was afflicted. Comrades Cater and Bundy testify that claimant was first attacked with piles on the second march of the command from the Missouri River to Fort Wadsworth, and that thereafter he was excused from duty much of the time, as he was wholly unfit for same. Affiants attribute the disability to long riding on horseback.

This claim was rejected by the Pension Office in 1881, on the ground of there being no record evidence at the War Department of the alleged disease, and because of the inability of the claimant to furnish medical evidence of its existence in the service or at date of his discharge.

This action was approved by the Secretary of the Interior June 13, 1883. In his letter of that date he says:

"There is evidence tending to prove prior soundness. There is also evidence tending to prove that appellant had piles in the service and at the time of his discharge."

And further on:

"The evidence considered together, while it tends to prove that the claimant suffered from piles while in the service, is not deemed to be sufficient to prove that the disease was contracted in the service or was due to his Army life."

Since the affirmation by the Department of the rejection of the claim, the case has been specially examined. The original witnesses, as well as a number of other persons who have been intimately acquainted with claimant before and since his service, have been thoroughly examined, and a perusal of their testimony convinces

your committee that claimant was free from piles at time of his enlistment, and that from long marches he did contract this disease, which has disabled him ever since.

Notwithstanding this cumulative and corroborative testimony, the claim has again been rejected on grounds similar to those given in the original rejection.

Your committee are of opinion that the evidence fully establishes the merit of the claim in spite of the absence of medical evidence, and being shown by the several medical examinations since 1878 to be disabled in a pensionable degree, believe claimant entitled to the relief asked for, and therefore report favorably on the bill, and ask that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 412.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2793.]

The Committee on Pensions, to whom was referred the bill (H. R. 2793) granting a pension to Silas James, have examined the same, and report:

The main facts in this case are fully detailed in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 875), which we adopt, and recommend the passage of the bill.

Silas James enlisted February 27, 1864, as private in Company D, Thirteenth Michigan Volunteers, and was mustered out May 18, 1865. He applied for pension on account of rupture of both sides October 14, 1875, alleged to have been incurred while carrying timber for Government buildings at Chattanooga, Tenn., in April 1864.

The records of the War Department show that claimant entered No. 14 general hospital, Nashville, Tenn., November 20, 1864, with inguinal hernia, and that he remained under treatment therefor, at different hospitals, until February 28, 1865.

The case has been in the hands of several special examiners to determine its merits. By this examination it is shown beyond a doubt that claimant was sound prior to and at date of his enlistment. From his own testimony it appears that at the time of the injury he was one of a detail under command of Captain Slayton, of the regiment employed in the erection of Government storehouses at Chattanooga, and that while assisting in carrying a heavy piece of timber it slipped and caught him across the groin. Claimant had been in service but a short time. The members of the company were nearly all strangers to him, and those who knew him were not present at the time of the injury; hence his inability to furnish the testimony of eye-witnesses.

Captain Slayton, upon being interviewed by the special examiner, failed to recall the circumstances under which claimant received the alleged injury. He has since filed an affidavit in which he states that he has given the case considerable thought recently, and by correspondence has refreshed his memory sufficiently to state that he was present at claimant's examination at the enrolling office and knows that he was sound, and further that he received an injury by the rolling of a heavy piece of timber while building Government warehouses at Chattanooga, for which affiant sent him to regimental hospital. Understood at the time that the injury was a rupture, but did not see it. Comrade Edwin Henderson testifies before the special examiner that he was not present at the time of the incurrence of the disability, but saw the rupture about two weeks thereafter, and that claimant then wore a double truss.

Comrade McConnell testifies that claimant was injured in some way while employed under Captain Slayton, but cannot now recall the nature or extent of the injury. Surgeon Goodale testifies that in the spring of 1864 he fitted a double truss on some one connected with the Engineer Brigade, but does not remember the name of the patient.

A number of claimant's comrades were interviewed by the several special examiners, but having had but little acquaintance with him, for reasons heretofore stated, were unable to furnish additional information.

Medical examinations show a condition of the inguinal region of left side justifying a rating at one-half of total.

The case was returned to the Pension Office by Supervising Examiner Williams July 6, 1885, with the recommendation that the same be allowed. It was rejected, however, by the board of review, because the evidence was not deemed sufficient to show origin of disability in the service.

Your committee are of opinion that it is shown beyond any reasonable doubt that claimant was a sound man at enlistment; that during his service he received an injury which resulted in inguinal hernia, for which he was under treatment a considerable length of time, and that he has been disabled therefrom more or less ever since; and therefore report favorably on the bill, and ask that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 413.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1273.]

The Committee on Pensions, to whom was referred the bill (H. R. 1273) granting a pension to Samuel J. Brown, have carefully examined the same, and report recommending the passage of the bill. The facts are fully set forth in the subjoined House report.

The Committee on Pensions, having had under consideration House bill 1273, ask leave to report as follows:

In this case it appears that Samuel J. Brown was employed in October, 1864, as a scout, in an organization known as the Frontier Scout Force, commanded by Maj. Robert H. Rose, of the Second Minnesota Cavalry, and continued in such employment in the Department of the Northwest, and principally in Dakota Territory, with but little intermission until March, 1866, when he was made inspector of scouts, from which he was discharged to take effect April 30, 1866, having thus been in continual service for a period of eighteen months. It also appears that during the month of April, 1866, he contracted the disease that resulted in the disability for which he now claims pension. His own statement as to the nature of the duties and the conditions under which they were performed accounts fully and satisfactorily for the origin of his present disability, and the only embarrassment in the way of his acquiring a pension through the Department arises from his not having been regularly enrolled and mustered into some organization of the Army.

The papers on file all show that he was at all times under military orders, and that to obey and carry out those orders he was compelled to undergo the risks and endure the hardships described in his petition on file. He was also intrusted with public property for which he was compelled to make returns and account therefor, as though regularly acting under a commission.

This is not the case of a civil employé seeking to be placed on the pension rolls, for Brown was practically in the military service, the only difference being that he was not formally mustered into the service by a mustering officer of the Army. That he was so regarded and treated is perfectly apparent from the orders issued in his case, as appears by reference to exhibits filed with his application (No. 250466) for pension in the Pension Office, and dated respectively April 5 and April 15, 1866, and of May 1, 1866.

The circular order No. 3, of April 5, 1866, assigns his duties and orders him to report his doings through certain military channels and recognizes him clearly as "inspector of scouts." Special Order No. 41, of April 15, 1866, orders public property to be turned over to him by a retiring official. And Special Order No. 47 discharges him from service precisely in the terms and under the conditions applicable to a commissioned officer of the Army, and are each and all signed by officers of the Army under the same forms and solemnities.

The only effect of passing this measure of relief is to remove the bar imposed by the third paragraph of section 4693 of the Pension Code, which excludes from consideration such applications as this of Brown's, if not prosecuted to a successful issue prior to July 4, 1874.

In addition to the foregoing proofs of service, there is the affidavit of Dr. M. R. Wilcox, showing Brown's physical condition and its origin. In view of all which your committee recommend the passage of the accompanying bill (H. R. 1273).

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 414.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1630.]

The Committee on Pensions, to whom was referred the bill (S. 1630) granting a pension to James C. Chandler, have examined the same, and report:

The claimant, James C. Chandler, enlisted in Company A, Ninth Regiment Indiana Volunteers, August 27, 1861, and was discharged June 1, 1862, for disability. He re-enlisted January 3, 1864, in Company M, Eleventh Indiana Cavalry, and was mustered out September 19, 1865. He first applied for a pension May 14, 1869, alleging that while detailed to guard company wagon at Pittsburg Landing, about April 8, 1862, the horses ran away, and in endeavoring to stop them he was thrown down and the fore wheel of the wagon ran over his left ankle, dislocating the joint, causing ulcer sores and lameness. In a subsequent application he alleges typhoid fever and resulting rheumatism and disease of back in region of kidneys, contracted at Corinth, Miss., in May, 1862. The first application was rejected because of no record in the War Department of alleged injury to ankle (medical records Ninth Indiana Volunteers, Pittsburg Landing, Tenn., not on file), and no positive evidence of its origin in service and line of duty. The second application was rejected because of no disability from same since date of the filing of the application.

The evidence filed is very voluminous. Claimant states that the assistant surgeon who treated him for typhoid fever and the physician who treated him on his way home are both dead.

Major Milroy testifies that claimant's left ankle was dislocated by a wagon running over it at Pittsburg Landing about April 2, 1862, and that the disability existed as long as he was under affiant's observation. This testimony is corroborated by that of Surgeon Sherman, who treated him for the injury.

Comrades America and Chapman testify that claimant incurred typhoid fever at Corinth, Miss., and was sent away from regiment; was sick two weeks before sent to hospital.

Major Hannum testifies that he knew claimant well while in service and prior to enlistment; that for a period of about five months following March, 1865, he frequently heard claimant complain of pain in his back, and saw him act as if he was suffering with pain and soreness of back. In July, 1865, he detached him on light duty because of said disability.

Dr. Beck, claimant's family physician, testifies that prior to enlistment claimant was healthy; that about 1865 he treated him for inflamma-

tory ulcer near the left ankle, in 1866 for a billious attack, in 1867 for fractured arm and inflammatory rheumatism, again, in 1868, for inflammatory rheumatism, and treated him two or three times per year after that, the principal treatment being for chills, rheumatism, &c.

This evidence is corroborated by that of neighbors and comrades as to lameness in back and rheumatism since discharge.

The medical board rate his disability at one-fourth.

Your committee believe that the evidence filed shows that claimant was disabled in some degree by reason of his service in the Army, and therefore report the bill, with a recommendation that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 415.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2022.]

The Committee on Pensions, to whom was referred the bill (S. 2022) granting an increase of pension to Mrs. General Ward B. Burnett, have examined the same, and report:

The claimant is the widow of Maj. Gen. Ward B. Burnett. The following statement of the military and civil record of this distinguished soldier has been furnished your committee:

General Ward B. Burnett died June 24, 1884, at Washington City, aged 74.

This distinguished veteran of six wars was appointed by President Jackson a cadet at West Point in 1828, and he was graduated in 1832; brevetted second lieutenant Second Artillery, July 1, 1834; ordered to report to Colonel Mahan, professor of engineers (was furloughed), reported to chief engineer, Major Douglass, assistant upon the surveys and plans and estimates which resulted in the adoption of his plans for the Croton water-works, now indispensable to New York City, and a monument to his genius. When relieved from the Academy, was ordered to report for duty to Maj. Hartman Bache, United States Topographical Engineers, at Philadelphia, Pa., on harbors and light-houses; then, as principal engineer to Col. H. Long, Topographical Engineer, upon surveys conducted by himself and Major Yarl, of the Royal Engineers, to determine the routes of railways connecting the Atlantic with the Canadas. Engaged in action of Lacha-Hatcha against the Seminole Indians. He fought in the Black Hawk war in that year on the ground near where Chicago now stands, before a single house was built in that city, and as captain of cadets in the Black Hawk war, the command, in seeking the enemies of his country, met one more formidable in the Asiatic cholera, which attacked more than one-half of General Scott's army, spreading consternation and death among them. As the surgeon-general and his assistants were among the dead and dying, the officers were obliged to take care of the sick, and young Burnett, fearless of consequences, was among the most active in providing for their comfort and safety. Reported to Maj. Gen. Winfield Scott during the nullification difficulties at Charleston, S. C., acted quartermaster for a time, was staff officer to General Clinch, staff officer to General Bankhead at the battle of the Coves of the Withlacoocha. He organized two regiments and tendered his services to the President for the Mormon war. In 1842 and 1843 he organized a brigade, and offered his services to the President when war was anticipated with England over the Oregon boundary line; he was the brigadier-general, and the brigade was kept together at his own expense. He attended the artillery school, Metz, France.

After leaving the Florida and Creek wars, was engineer, with Colonel Abert, chief of Topographical Engineers, on harbors, in 1837; became resident engineer in State of Illinois and Michigan canal upon that great and important work; was made major-general of militia; founded the Light Guard of New York State; captain of Tompkins's Blues when a mere lad; was major and brigade inspector.

In 1846, two regiments of his brigade having been accepted by Governor Wright, he was ordered to report with his regiments (the first troops raised for the Mexican war) to Maj. Gen. Winfield Scott for duty in the Mexican war, where his actions were brilliant. He was engaged in that war in the siege of Vera Cruz, Molino del Rey, Buena Vista, Palo Alto, Resaca de la Palma, in the battles of Cerro Gordo, Con-

[illegible], Monterey, and Churubusco—battles unsurpassed in thrilling interest and the [illegible] of military achievement in the annals of the world, and the bravest deeds on [illegible]. General Burnett's regimental flag was the first one planted on the elevated [illegible] opposite Portalis in the battle of Churubusco, and his command captured Santa Ana and planted his flag at Cerro Gordo, the headquarters of General Santa Ana; after the troops had captured the position held by the whole Mexican line, he [illegible] the first American flag that was planted upon the castle at Chapultepec, [illegible] before the Mexican standard was hauled down from the plaza of the castle, and the brave Mexican general surrendered his troops and the key to the enemy's position to General Burnett's command, as shown of him in the great painting now hanging in the Governor's room, city hall, New York, and the national flag presented to him by Maj. Gen. Winfield Scott at the national palace in the city of Mexico, and a beautiful one from the ladies of Mexico, made by their own hands, and three other ones presented by the State and city of New York for their gallant conduct through the war. General Burnett presented the flags of his country to his command at the [illegible] of Lobos, Mexico, in 1846, upon their knees repeating this oath from his lips: "No enemy shall capture these colors while our lives are spared to defend them." Welcomed home to New York by the first division of New York regiments, under Major-General Sandford, by 200,000 people. Broadway was literally packed with people, who turned out to receive the returning troops, and flowers strewn in their pathway. Public receptions tendered him by the cities of New York, Brooklyn, Troy, Albany, Philadelphia, New Orleans, and others; then in the zenith of his glory, he was met everywhere by enthusiastic crowds. The young ladies from the seminaries, the school children forming processions, throwing and showering blossoms beneath the horse's feet in honor of the gallant rider.

General Burnett was a warm personal friend of President Andrew Jackson, of Henry Clay, Abraham Lincoln, and Daniel Webster. In the wars he had many wounds, and the Mexican, where he was severely wounded by a shot through his body, hip, and shoulder dislocated by the fall of his horse—twice shot under him; from his wounds his jaws were closed with lock-jaw (tetanus) for forty-five days. His coffin was made, but the gallant Major Twiggs was buried in it. He was promoted general by President Polk, September, 1847, by an act of Congress; his commission signed by Governor Seymour; he commanded a brigade.

For General Burnett's heroic services to his country he was tendered a resolution of thanks by Congress, the State of New York, and other States, and honors in private life showered upon him by his countrymen.

In 1861, he organized troops for the war of the rebellion, although a great cripple, in the Assembly rooms, Broadway, New York City, *at his own expense*, consolidating regiments as general United States Army, under appointment by the governor and commission from the Government by President Lincoln; headquarters were at Metropolitan Hotel. He rendered valuable services to the city during the New York riots, and by his efforts saved the United States mint when he had command of the city; was wounded again and sent to the United States Ladies' Hospital. He organized several commands in New Jersey, Delaware, Maryland, and Pennsylvania for services in the field during the war. From exposure consequent upon these labors he became a martyr to inflammatory rheumatism and neuralgia.

General Burnett rendered valuable services to his country as United States topographical engineer. In 1849 President Polk offered to make him commissioner to run the boundary line between the United States and Mexico; but being upon crutches he was made chief engineer for the construction of the navy-yard dry-dock, which he completed in 1852. Thence in 1855 he was in charge of the New York dry-dock, and the construction of the workshops in the New York navy-yard.

He made the plans of the Brooklyn water works, which were adopted and of inestimable value to the City of Churches, and a lasting honor to his name. In 1857 he was made chief engineer of Norfolk navy-yard and Portsmouth water works, which involved his survey of Lakes Drummond; in Richmond and Maryland, made plans for tunneling the Blue Ridge Mountains in Virginia.

He was made surveyor-general of Kansas and Nebraska, which included Colorado, Montana, and two other Territories; because from ill health he was unable to accept the appointment offered him by President Buchanan as minister to Turkey.

General Burnett at the time of his death was the oldest living graduate who became General United States Army in the Mexican war. Of the fruits of his valor was a territory conquered by the United States in 1848, almost one-quarter in extent of its then existing area, which is now peopled by 1,500,000 souls, and which, from its mines alone, could pay our national debt. He won by his bravery the highest honors awarded to the immortal Jackson; in brief, the highest honors accorded to Lafayette by the empire city of the Union. Relics of great value were showered upon him, many came from foreigners. Two massive gold medals from the city and State of New York; another of great intrinsic value from the officers and soldiers of his division and command. The sword and the old hickory cane of President Jackson, newly

mounted and ornamented with jewels and a massive gold eagle; another one from Mrs. Jackson, heavily mounted. A beautiful gold mounted sword with diamonds was presented to him by the Light Guard of New York for the gallant acts of his youth, and saving the life of cadet Clark from drowning, and six others, at different times. A grand reception was given to him by the mayor and common council and citizens at the Governor's room, city hall, New York, at the theaters and public places. A great dinner was given to him by the citizens of Philadelphia, and also dinners and receptions in several other cities. A grand banquet was given to him and his officers at Troy, where the ladies from the seminaries showered them with flowers.

General Burnett never was in a battle that was lost, or skirmish; he had great perseverance and fortitude, and many are the incidents of his generous nature which can be related. He drew around him a multitude of friends. In the parlor he was as gentle as a lady. He was calm, cool, and brave in the field. It was often said of him, he never knew what fear was, ever manly and hopeful through the many afflictions and hardships he was called to endure. His civil and military career placed him as one of the most distinguished men in American history, and was a most accomplished gentleman, possessed of more than ordinary intelligence of mind and of refined and artistic tastes. His mind had been cultivated by reading, studying, and reflection, and his memory was wonderful even up to the hour of his death, and the extent and accuracy of his information was remarkable. He was sociable, refined, and generous to a fault. He revered and loved his Redeemer, and was confirmed early in life in the Episcopal Church. A hero, a gentleman, a kind father, a devoted husband; for many years an invalid, but cheered by a faithful, brave-hearted wife, which was the one bright spot in the closing years of a once brilliant career.

General Burnett was honored as the bravest officer in the United States, and by his countrymen he was awarded the "President Jackson gold box" (and bequeathed to his widow), which bears the following inscription:

(Front side.)

February 23, 1819.

Presented by the mayor, aldermen, and commonalty of the city of New York to Major-General Andrew Jackson, with the freedom of the city, as a testimonial of respect for his high military service.

(Reverse side.)

THE HERMITAGE, TENNESSEE, August 17, 1859.

Bequeathed

by Major-General Andrew Jackson "to that patriot, of New York City, who (should our happy country not be blessed with peace) should be adjudged by his countrymen to have been the most distinguished in defense of his country and our country's rights."

Awarded

under that bequest, by the general voice of his countrymen, to Brigadier-General Ward B. Burnett, commanding the New York troops in the late war with Mexico.

Major-General Burnett's achievements have made every American citizen his debtor. He declined the Democratic nomination for governor of New York—was provisional governor of New Mexico.

There should be no scant gratitude to the widow of "the bravest of the brave." His death was a source of national grief; his body lay in state in the Governor's room, city hall, New York; the flags all placed at half mast; thousands of citizens viewed the remains and followed him to his grave. Letters of condolence from the President, Congressmen, governors, military, and Navy, were sent to his afflicted widow and family.

General Burnett was placed on the pension-roll by the Department at $30 per month, which amount was increased at different times to $72. Upon his death, in 1878, his widow made application to be allowed that amount, but was only given $30. The matter was taken to the Court of Claims, which sustained the decision of the Department, and upon

appeal to the Supreme Court of the United States the decision of the lower court was affirmed.

Your committee call attention to the language of Mr. Justice Harlan, who delivered the opinion of the court, which is as follows:

By an act of Congress of March 3, 1879, the Secretary of the Interior was directed to place on the pension-roll the name of Ward B. Burnett, and pay him a pension of $50 per month in lieu of the pension then received by him (20 Stat., 665, ch. 290). The subsequent act of June 16, 1880, provides that all soldiers then receiving a pension of $50 per month, under the provisions of the act of June 18, 1874, entitled "An act to increase the pension of soldiers and sailors who have been totally disabled" (18 Stat., 78, ch. 298), shall receive, in lieu of all pensions then paid to them by the United States, the sum of $72 per month; those whose pensions were thus increased from $50 to $72 per month, to receive the difference between those sums monthly, from June 17, 1878, to the date when that act took effect. (21 Stat., 281, ch. 236.)

On the 17th of July, 1882, General Burnett received from the Department of the Interior a certificate showing that he was entitled to a pension "for gunshot wounds through left leg and rheumatism," at the rate of $30 per month, to commence on the 1st of August, 1848, and $31.25 per month from June 4, 1872, and $50 per month from June 4, 1874, and $72 per month from June 17, 1878.

By an act approved July 25, 1882, it is provided that no person then receiving, or who should thereafter receive, a pension under a special act, shall receive, in addition thereto, a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which such person is entitled to receive under the general law. (22 Stat., 176, ch. 349.)

General Burnett died on June 24, 1884, from the effect of wounds received in the war with Mexico. The appellant, his widow, claims the same pension—$72 per month—that her husband was receiving at his death. The Interior Department granted her a certificate for a pension at the rate of only $30 per month, to continue from June 24, 1884, during her widowhood. Her claim for a larger pension having been denied, the matter was referred by the Department to the Court of Claims. The claimant, in her petition in that court, asked for judgment against the United States for $210, that being the difference between $30 per month and $72 per month from the date of her husband's death to the commencement of this action. A demurrer by the Government to the petition having been sustained, the case has been brought to this court.

The only question presented by the parties for our consideration is whether, under existing statutes, the widow of General Burnett is entitled to the same pension that he was receiving at his death.

Section 4692 of the Revised Statutes provides that "every person specified in the several classes enumerated in section 4693, who has been, since the 4th day of March, 1861, or who is hereafter disabled under the conditions therein stated, shall * * * be placed on the list of invalid pensioners of the United States, and be entitled to receive for a total disability, or a permanent specific disability, such pension as is hereafter provided in such cases, and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability, and such pension shall commence as hereinafter provided and continue during the existence of the disability." (17 Stat., 566; 18 Id., 61; 19 Id., 403.)

Section 4693 specifies who shall be beneficiaries under the preceding section, among whom is "any officer of the Army, including regulars, volunteers, or militia, * * * disabled by reason of any wound or injury received, or disease contracted, while in the service of the United States and in the line of duty." (17 Stat., 566, 567; 19 Id., 403.)

Section 4695 provides that "the pension for total disability shall be * * * for lieutenant-colonels and officers of higher rank in the military service * * * $30 per month." (17 Stat., 567; 19 Id., 264.) Other sections fix the amount of pensions in cases of disabilities known as permanent specific disability and inferior disability.

It is then provided, by section 4702, that "if any person embraced within the provisions of sections 4692 and 4693 has died since the 4th day of March, 1861, or hereafter dies by reason of any wound, injury, or disease, which, under the conditions and limitations of such sections, would have entitled him to an invalid pension had he been disabled, his widow * * * shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, to continue to the widow during her widowhood," &c. (Act of March 3, 1873, 17 Stat., p. 569, ch. 234, § 8.)

It would seem to be too clear for discussion that the construction which the court placed upon these statutory provisions is correct. It is not to be doubted that the words "total disability" in the pension laws has a technical signification which cannot be disregarded. And when the statute fixes $30 per month as the pension, in case

of total disability, of an officer of the rank of General Burnett, and declares that his widow shall receive the same pension as her husband would have received had he been "totally disabled," there is no room left for a construction that would give her a pension in excess of that amount. If it is supposed that the law operates unjustly against the officers and soldiers who became "totally disabled" in the service, or that an unreasonable distinction is made between different kinds of disability, the remedy is with another department of the Government. The courts must give effect to the intention of Congress as manifested by the statute. They cannot make, but can only declare the law.

The judgment is affirmed.

Mrs. Burnett is therefore now in receipt of only $30 per month. Her husband died in consequence of his services, having been for a considerable time in a condition of entire helplessness, and her health was seriously impaired by the constant care necessary for his comfort. She is now dependent upon her pension.

The bill as introduced provides for a pension at the rate of $100 per month, but your committee do not feel warranted in establishing such a precedent at this time, or in making this case an exception to the cases of widows of many other distinguished officers of the Army and Navy who have been allowed $50 per month. We therefore report back the bill, and recommend its passage, with the following amendments:

In the title strike out the words "General Ward B." and insert "Hattie A."

In the fourth line strike out the letter "H." and insert "Hattie."

In the sixth line strike out the words "her late husband's invalid pension of one hundred" and insert "a pension at the rate of fifty."

Strike out in the seventh, eighth, and ninth lines all after the word "receiving" in the seventh line.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 416.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 358.]

The Committee on Pensions, to whom was referred the bill (S. 358) granting an increase of pension to Mrs. Emily M. Wyman, have examined the same, and report:

The claimant is the widow of Robert Harris Wyman, late rear-admiral United States Navy. She was pensioned April 17, 1883, at $30 per month from February 1, 1883, the date of filing her application. A bill has been introduced to increase this amount to $50 per month, in compliance with the following letter from the Secretary of the Navy addressed to the chairman of this committee:

NAVY DEPARTMENT, *December* 20, 1883.

SIR: I have the honor to transmit herewith a draft of a bill granting an increase of pension to Mrs. Emily M. Wyman, widow of the late Rear-Admiral Robert H. Wyman, U. S. N. In view of the long and honorable service of the late Rear-Admiral Wyman in the Navy, and of the statements to the Department by his widow in regard to her necessitous circumstances, I have to request that the proposed bill may be introduced for her relief.

Very respectfully,

W. E. CHANDLER,
Secretary of the Navy.

The following statement or abstract of the service of Rear-Admiral Wyman has been furnished by the Secretary of the Navy:

Robert H. Wyman was appointed a midshipman in the Navy March 11, 1837, and ordered the same month to the Independence, where he remained until June, 1840, when he was detached and granted three months' leave; September, 1840, ordered to the West India squadron, and served on board the Levant, Concord, and Potomac until August, 1842, when he was detached from the last-named vessel and granted three months' leave; August, 1842, ordered to the Naval School at Philadelphia; May, 1843, ordered to examination for promotion.

June, 1843, ordered to the On-ka-hye; July, 1843, warranted as passed midshipman, from the 29th June, 1843.

August, 1843, detached from the On-ka-hye and ordered to the Perry as acting master; was transferred from this vessel to the Brandywine, and detached from the latter ship in September, 1845, and granted three months' leave; then to the receiving ship at Boston, where he remained until March, 1846, when he was detached and ordered to the Princeton as acting master.

He was transferred from this vessel to the Porpoise, and served on these two vessels during the Mexican war.

Was present at the siege of Vera Cruz. June, 1847, he was detached from the Porpoise and granted three months' leave; July, 1847, ordered to the naval rendezvous at Boston, Mass.

He was detached and ordered to the Albany as acting master in September following, where he remained until January, 1848, when he was detached (sick) and placed on waiting orders. February, 1848, he was ordered to the Naval Observatory, and remained on this duty until June, 1848, when he was detached and ordered to the receiving ship at Boston as acting master; he was detached in June, 1850, and placed on waiting orders.

September, 1850, ordered to the St. Mary's; July, 1850, promoted to lieutenant; he was detached from the St. Mary's in December, 1852, and granted three months' leave.

February, 1853, he was ordered to the Naval Observatory, where he remained until October, 1854, when he was detached and ordered to the practice ship Preble. He remained attached to this vessel until October, 1856, when he was detached and placed on waiting orders.

November, 1856, he was ordered to take passage from New York in the Wabash for duty on the St. Mary's, then at Panama. He was transferred to the Independence, and in August, 1857, was directed to rejoin the St. Mary's; January, 1859, he was detached from the St. Mary's and ordered to the navy-yard, New York. He was detached from this duty in April, 1859, and ordered to the practice ship Plymouth, where he remained until August, 1860, when he was detached and ordered to the Richmond, remaining on board this ship until July, 1861, when he was detached and ordered to command the Yankee.

October, 1861, he was detached from command of the Yankee and ordered to command the Pawnee, where he remained about one month, when he was detached (sick), and placed on waiting orders. Was present at the taking of Port Royal.

December, 1861, ordered to command the Potomac flotilla; June, 1862, detached from this duty and ordered to command the Sonoma, and served on James River. July, 1862, promoted to commander. September, 1862, detached from command of the Sonoma and ordered to command the Wachusett, where he remained until November following, when he was detached and ordered to special duty at Washington, D. C.

March, 1863, he was detached and ordered to command the Santiago de Cuba at Havana, where he remained until August following, when he was detached and ordered to report at the Department.

May 10, 1865, he was ordered to command the Colorado; was transferred to the command of the Ticonderoga, and detached from that vessel in April, 1869, and placed on waiting orders.

July, 1866, was promoted to captain.

October, 1869, ordered to the Hydrographic Office, and the following October he was directed to take charge of that office, and remained in charge until January, 1879, when he was ordered to command the North Atlantic Station.

July, 1872, was promoted to commodore.

April, 1878, promoted to rear-admiral.

May, 1882, was detached from command of the North Atlantic Station and placed on waiting orders.

May 25, 1882, was ordered as member of the Light-House Board, and was afterwards made chairman of the said Board.

He died at Washington, D. C., on the 2d of December, 1882, of disease contracted in the line of duty in the service.

In view of the long and distinguished services of the late Admiral Wyman, and of the foregoing recommendation of the Secretary of the Navy, and of the granting of the rate proposed in many similar cases by recent special acts of Congress, your committee report this bill favorably, and recommend its passage.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 417.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 1861.]

The Committee on Military Affairs, to whom was referred the bill (S. 1861) to provide for the sale of the site of Fort Omaha, Nebraska, the sale or removal of the improvements thereof, and for a new site, and the construction of suitable buildings thereon, have had the same under advisement and recommend its passage, presenting the following considerations operating to produce the conclusion reached:

The present site of Fort Omaha is on the immediate northern confines of Omaha, a city containing nearly 75,000 people, the post being approached from the city over an ordinary road, and removed some distance from a railroad, which is the cause of frequent delays and increased cost of transportation of supplies. The area of the grounds of the present site is too restricted for efficient military movements, especially artillery drill and target practice, the close proximity of the population of a large city rendering efficient target practice dangerous to human life, and objectionable, in a military point of view, on account of the effect which such a location has upon the *morale*, soldierly conduct, and efficiency of troops.

The area of the present site of Fort Omaha cannot be economically enlarged by securing additional grounds contiguous to the fort on account of the high price of such lands, the conformation thereof surrounding the post being both favorable and inviting to additions to the city of Omaha, many being already laid out, the lots therein bringing high prices, the necessities of the trade and commerce and the rapid influx of population combining in the demand for an increased area for city purposes. The fact is the fort is being rapidly swallowed up in the commercial maw of a great city. The rapid growth of Omaha is shown by the census returns. In 1870 its population was 16,000; in 1880 it contained 31,000. By the census of 1885, taken in the spring of the year under the general census law, it contained nearly 65,000, and is believed to have added about 8,000 people during the last year.

The present buildings at the post are neither adequate to the needs of the service nor sufficiently comfortable for the small force of six companies and one battery now stationed there, which is so weak, numerically, as to make the increase proposed in this bill advisable.

Your committee are reliably advised that the value of the lands (80 acres) embraced in the present reservation and the buildings thereon would net in value a sum sufficient to purchase from 300 to 500 acres, desirably located for military purposes, upon a railway, within ten miles

of the city of Omaha, and that the surplus would go very far toward tl purchase of the needed material for and the erection of the necessa buildings to accommodate the required military force at this point.

The necessity for a strong military post at Omaha becomes appare from the following, among other, considerations: Omaha has long be recognized as the gateway to the West. In the language of Gene George Crook—

> There is no place on the continent which possesses so many advantages as a strate point as Omaha. It is geographically in the center, east and west, and on the throu routes of travel in every direction.

A department commander stationed at Omaha holds every post this department under his control.

It is the great railway center of the Department of the Platte, roa radiating from the city in every direction like the spokes in a whe They now extend into the Northwest, touching Fort Robinson, to with a few miles of Forts Niobrara and Laramie, and a chain of other pos in Dakota and Wyoming, traversing the region occupied by the Sioı and other restless and hostile tribes of Indians from which trouble h come and may be again apprehended. Toward the south and sout west the Missouri Pacific system and other railway lines run in Kansas, Missouri, Colorado, and New Mexico. The Union Pacifi and Chicago, Burlington and Quincy, run west through the length the department for over 1,000 miles, the former throwing its branch north into Wyoming, Idaho, Oregon, Montana, Colorado, and Uta both having an eastern terminus at Omaha, with branch lines radiati in other directions from Omaha, while the Chicago and Northweste road reaches the northern and northwestern limits of Nebraska, ma ing a rapid concentration of troops at *any* desirable point feasible. glance at the map, showing the location of Omaha, the various milita posts touched by or in close communication with the many trunk lin of railway running out of the city, will convey a more indelible i pression than words of the situation and the desirability of a stro post at Omaha. The larger portion of all shipments from the East the Territories and the extreme Western States pass through Omal The Government long since recognized its importance as a shippi point by establishing there, besides the headquarters, a large, pern nent, and important quartermaster's depot, from which all posts in t department are supplied. The commissary supplies, too, have be for years kept in depot at Omaha, and from that point distributed the posts of the Platte Department. In short, all supplies, of whatev character, that are not produced or obtained in the immediate vicini of the various posts in that department pass through Omaha, aft having been collected, in bulk.

Another point not to be overlooked is the fact that all recruits for t command must necessarily come to Omaha and be thence assigned, a all officers leaving or joining their stations in this department pass tl gateway. The importance to the unity and efficiency of a command intimate knowledge on the part of the commander with his officers m here be emphasized.

The General of the Army in his report for 1882 recommended th Fort Omaha be made a permanent garrison for *ten* companies of troo which recommendation was concurred in by the Secretary of War, th recognizing the importance of Omaha as a military rendezvous.

So, too, Omaha is the center of a large, fertile, and productive agricu ural region, making forage and horses plenty and cheap, and the ci is likewise in close communication with the large manufacturing cente

of the country, which enables the Government to advantage itself in the matter of cheap prices for the military stores needed from such points.

In conclusion, your committee beg leave to submit the following exhibits marked A and B, respectively, being communications from the Secretary of War and the Lieutenant-General of the Army, which they ask may be made a part of this, their report.

The committee reports in favor of the adoption of the bill, but recommends the following amendments:

Strike out the words "three hundred" in line 2 of section 2, and insert the the words "three hundred and twenty."

Strike out the words "five hundred" in line 3 of section 2, and insert the words "four hundred and eight," so that the land may be purchased according to the usual subdivisions of public lands.

EXHIBIT A.

WAR DEPARTMENT,
Washington City, April 2, 1886.

SIR: The Department is in receipt of your letter of the 18th ultimo, inclosing Senate bill 1861, Forty-ninth Congress, first session, providing "for the sale of the site of Fort Omaha, Nebraska, the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon," and requesting to be informed if any objections thereto exist.

In reply I have the honor to advise you that the matter was referred to the Lieutenant-General of the Army, and to inclose his report, dated the 30th ultimo, in which he expresses the opinion that the bill "suggests a measure which will result in great advantage to the Government."

The views of the Lieutenant-General are concurred in, and favorable action on the proposed legislation recommended.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. C. F. MANDERSON,
Of Committee on Military Affairs, United States Senate.

EXHIBIT E.

HEADQUARTERS ARMY OF THE UNITED STATES,
WASHINGTON, D. C., *March* 30, 1886.

SIR: I have the honor to return herewith Senate bill 1861.

The central location of Omaha and the numerous railroads radiating therefrom emphatically designate it as an important strategic point, which, without doubt, should in the future as in the past be occupied by a military post. These same reasons have equal force in suggesting an increase of the garrison to ten or twelve companies, a number that possesses many military advantages and that can be maintained with greater economy at a single post so favorably located than at several small and separate stations.

The present site of Fort Omaha is so near a rapidly growing city that in a short period it will probably be well in towards its center.

In a military light this is not at all desirable, and, moreover, it prevents without very great expense the acquirement of the additional land needed to extend the restricted limits of the present reservation.

This bill suggests a measure which will result in great advantage to the Government. The contemplated reservation is ample, and its distance from the city and situation on a railroad admirable.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
Lieutenant-General, Commanding.

Hon. WM. C. ENDICOTT,
Secretary of War.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 418.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. PAYNE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 784.]

The Committee on Pensions, to whom was referred the bill (S. 784) granting a pension to William A. Griffin, submit the following report:

On February 22, 1883, the claimant filed an application alleging that he enlisted on October 1, 1863, in Company G, Twelfth Regiment of Cavalry, Missouri Volunteers, and was honorably discharged at Benton Barracks, Missouri, on or about December 20, 1863. And that on or about December 1, 1863, in the line of service at Benton Barracks, he was ruptured on the right side, caused by slipping and striking against the hub of a wheel of a commissary wagon while lifting at the wheel, and was treated by the regimental surgeon, and also at post hospital and general hospital at Saint Louis, Mo., in December, 1863.

The only testimony of any kind offered is comprised in the affidavits of Nathan Crosby and David C. Crosby, of Company D, Twelfth Missouri Cavalry, dated November 7, 1885, who state that "claimant, a private in Company E, was ruptured while assisting in the Commissary Department, and sent to the hospital," but do not relate any incidents connected with the injury.

It was claimed that Company G had been consolidated with Company E. It appears, however, upon examination by the Department, that there is no record of the name of the claimant in Company G, E, or D of the Twelfth Missouri Cavalry Volunteers, and no record of treatment in any of the above-named hospitals, and no record of discharge from service.

The claim is still pending in the Pension Office.

Your committee respectfully report adversely to the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 419.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 880.]

The Committee on Military Affairs, to whom was referred the bill (S. 880) granting the right of way to the Schuylkill River East Side Railroad Company through the Arsenal and Naval Asylum grounds at Philadelphia, Pa., having had the same under consideration, beg leave to report:

The right of way asked through the Arsenal grounds will, if granted, be a way 205.57 feet in length by 60 feet in width. That part of the Arsenal grounds intended to be thus occupied lies between high and low water marks. It is vacant ground not likely to be applied to any Government use. Under the provisions of the bill the railroad company is required to construct a bulkhead along the port-warden's line on the Schuylkill River in front of the Arsenal property. The filling up, thus made necessary, will actually enlarge the property of the Government and will remove many causes of disease.

The right of way asked through the Naval Asylum grounds will, if granted, be a way 376.69 feet in length by 60 feet in width, with the exception of a space 85 feet in length. The part of the Naval Asylum grounds intended to be thus occupied lies also between high and low water marks. The space of 85 feet, to which reference has been made, is occupied by a wharf. The location of the proposed railroad does not interfere with this wharf in any manner. The part of the Naval Asylum grounds through which the proposed railroad will extend is not used by the Government for any purposes. The filling up of the marsh land on the Naval Asylum grounds, which will be made necessary by the construction of the proposed railroad, will add materially to the value and healthfulness of the Government property.

This bill has been submitted to the Secretary of War and to the Secretary of the Navy by the Committee on Military Affairs of the House of Representatives. (See House Report No. 1399.) The Secretary of War suggested an amendment to the bill providing for the construction of a proper switch and siding, and of suitable means for crossing to the wharf for the purpose of shipping and receiving freight by water. With this amendment the War Department was of opinion that the proposed track could be laid through the Arsenal grounds without serious injury. Your committee has made this precise amendment to the bill.

The Secretary of the Navy apprehended that some annoyances might arise if trains were allowed to stand in the neighborhood of the Naval

Asylum, cutting off access to the water front, or from the noise of bells upon the trains, or from the steam-whistles on the locomotives. He suggested that such conditions should be annexed to the grant of the right of way, through the Naval Asylum grounds, as would sufficiently obviate the risk of these inconveniences. Your committee has annexed such conditions by a proper amendment made to the bill.

The form of the amendment made at the suggestion of the Secretary of War has been communicated to that officer, as is shown by the House report referred to, and is satisfactory to him. The precise form of the amendment annexing conditions to the use of the right of way, which was suggested as proper by the Secretary of the Navy, has been more recently submitted to that officer and approved by him.

The committee, therefore, in reporting this bill in its amended form, is satisfied that every proper precaution has been taken to protect the interests of the Government as a proprietor. Such precaution having been taken, it is right that the Government should grant the right of way asked for without imposing further conditions upon the railroad company. The line of railway which will traverse the Arsenal and Naval Asylum grounds, is a part, and an indispensable part, of a new line of railway extending from the city of Washington to the city of New York.

Your committee, therefore, recommends that the bill as amended should pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 420.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 361.]

The Committee on Pensions, to whom was referred the bill (S. 361) granting a pension to John L. Willhoite, have examined the papers, and respectfully report:

The claimant enlisted August 7, 1862, and was discharged August 26, 1863. His application for pension was filed June 5, 1883. The said application is still pending and unacted upon before the Commissioner of Pensions. The claimant admits that he cannot furnish proper medical testimony to complete his claim before the Commissioner of Pensions. Your committee have carefully examined the papers on file, and find the following to be the facts in the case:

It is proven that the claimant had his horse shot under him at Lawrenceburg, Ky., while engaged in battle, about October 8, 1862, by reason of which he sustained injuries to his back, hip, and kidneys, but continued with his company, doing full duty until the 1st of April, 1863, when it appears he was taken sick and sent to a farm house for medical treatment, but there is no record evidence of such treatment, the assistant surgeon not having kept any records.

Claimant was discharged on June 5, 1863, and there is no evidence on file of medical treatment until about 1870, and Dr. Hoadley, in an affidavit dated May 31, 1883, states, that he has been the family physician of the claimant for a greater portion of the time for the past fifteen years, and rendered medical services to him from January 13, 1880, until February, 24, 1880, and again on 19th day of January, 1882, to the 24th of January, 1882, and that in both of these attacks claimant's suffering was intense, thedisease being "renal calculi" or "renal colic." Although Dr. Hoadley had been the family physician of the claimant for fifteen years prior to the date of his affidavit, he does not speak of any special disease until January 13, 1880, more than fifteen years after the disability is alleged to have occurred.

Dr. C. E. Farabee also states, under date of February 16, 1884, that he has examined the claimant, with the following result: Claimant complains of continual pain in the back about the fourth lumbar vertebra, also a pain in left hip, and numbness of left leg. Dr. Farabee also states that he has prescribed for claimant several times since last May (1883), at which times he has been incapacitated for manual labor, but his general health was tolerably good, and that claimant is a man of good habits. These two affidavits seem to be the only medical evidence on file.

The claimant was examined by a board of medical examiners on October 10, 1883, and they report that "there are neither physical nor rational signs of injury to left hip, back, or kidneys. We believe there is no cause for pension."

Claimant was also examined by a medical board April 2, 1884, and they state "there are no objective symptoms of injury to hip, back, or kidneys. His urine is normal, and there are no evidences, as above stated, of injury to back or hip."

It therefore appears from the testimony on file that the claimant received his injury about October 8, 1862, and does not claim to have been under medical treatment until about the 1st of April, 1863, and was discharged August 26, 1863. There is no evidence of medical treatment for the alleged disability for more than fifteen years after he claims to have received the injury, and the claimant did not file his application for a pension until about twenty years after receiving the injury.

Your committee are of opinion that even if it were to take the case out of the hands of the Commissioner of Pensions that there is no evidence to justify them in granting a pension, and therefore recommend that the bill do not pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 421.

IN THE SENATE OF THE UNITED STATES.

APRIL 6, 1886.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 2027.]

The Committee on Military Affairs, to whom was referred the bill (S. 743) for the relief of Mrs. Martha Vaughn and the legal representatives of Mrs. Louisa Jackman, having considered the same, report as follows:

This claim has been before the Senate several times before.

At the first session of the Forty-third Congress this committee made the following report upon it, prepared by Mr. Logan:

The Committee on Military Affairs, to whom was referred the bill (S. 502) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman, having had the same under consideration, submit the following report:

This is a claim for services rendered by these parties in March, 1863, in giving information to the Union forces of the strength and condition of the rebel army then and there opposing them, and is fully set forth in the following extract from the petition of claimants, which is made a part of this report:

"The petition of Mrs. Martha J. Vaughn, of the State of Indiana, and Mrs. Louisa Jackman, of the State of Kentucky, respectfully represents that they were, before and during the greater part of the war, residents, one of Lincoln County, and the other of Garrard County, in the State of Kentucky; that in the month of March, 1863, during the invasion of the State by the rebel army under the command of General Pegram, when the Union forces had retreated across the Kentucky River destroying ferries and bridges, and abandoning and destroying much national and State property, they made their way through the rebel lines to the commanders of the Union forces across the Kentucky River, with complete information of the rebel strength, the quantity of artillery and small arms they had, the disposition of their forces, and their plans; that, at the time they communicated the said information, a still further retreat was about to be made, involving the destruction of the bridge across the Kentucky River, costing $80,000, and the sacrifice to the flames and the enemy of large and valuable military supplies; that the result of their work and information was to prevent this great loss, by an immediate attack being ordered, which, in twenty-four hours, ended in the complete defeat and dispersion of Pegram's whole force, the capture of all their artillery, large numbers of horses and mules that had been pressed, and over five hundred prisoners, together with the unexpected loss to the rebels of Kentucky as a source of supplies for their armies."

The statements herein made are fully confirmed by the affidavits of the officers to whom this information was given, as well as by affidavits of loyal citizens of Kentucky who were cognizant of the facts. It is also further shown by the evidence that in consequence of these acts these claimants and their families were compelled to leave that section of the country and seek homes and safety elsewhere.

In consideration of the value of the service rendered and the losses suffered by the claimants, the committee believe said claimants are

entitled to and should receive a reasonable compensation therefor. The passage of the bill with the amendments as reported is recommended.

And at the second session of the Forty-fourth Congress this committee, through Mr. Clayton, submitted another favorable report, adopting the foregoing.

At the first session of the Forty-eighth Congress the Committee on Claims, through Mr. Hoar, submitted the following report:

The Committee on Claims, to whom was referred the bill (S. 36) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman, have considered the same, and respectfully report:

Mrs. Vaughn and Mrs. Jackman performed an act of extraordinary heroism, which resulted in a great saving of property and an important victory to the Government. The result of their gallant and patriotic action was a great loss of property to themselves.

The story is well told in the report made by Senator Logan to the Forty-third Congress, and in Mrs. Vaughn's narrative, both of which are annexed for the information of the Senate.

Such actions cannot constitute in strictness a claim against the Government; but we think that a sound public policy permits and requires that in extraordinary instances they should be singled out for some reasonable reward, which shall show the gratitude of the nation and act as a stimulant to others in like cases. We therefore recommend that the bill pass.

STATEMENT OF THE FACTS IN THE CASE OF MRS. MARTHA G. VAUGHN.

About the 20th day of March, 1863, the rebel army, under General Pegram, invaded the section of Kentucky in which I lived, my home being in Lincoln County, near Dix River, three miles from Lancaster and nine miles from Camp Dick Robinson. The Union troops, under the command of Colonel Wolford, were in full retreat. My husband was a Union refugee; my two eldest sons were in the Union Army, and I was alone with four small children. Upon the morning of their arrival the rebels surrounded my house, demanding food and to come in my kitchen to cook. Three of their officers informed me that they knew of the whereabouts of my husband and sons, and that, as they generally subsisted off the enemy, I must provide them with board and a room in which to write. They remained at my house two days and one night, and during this time I learned from them the strength of their whole command, the quantity of artillery and small-arms they had, the manner in which their forces were disposed, the names of their officers, and their plans. What particularly impressed me was their small strength, as compared with the reports that had been current, and the frequency with which they referred to these false reports, and how materially they were thus aided in their advance movement. They were greatly elated over their success and the retreat of the Union forces, and said that if they could hold the State one week longer, gain or destroy the bridge across the Kentucky River, that then they could fortify on Boone's Bluff, on the south side, and hold their position until their forces could join them from across the Cumberland River, when they intended to transfer the seat of war to Kentucky. The manner in which I obtained my information satisfied me of its correctness, and I felt that it should be communicated in some way to the commanders of the Union forces at once, as I knew that, notwithstanding they were in full retreat, they could turn about and defeat an enemy whose whole success was owing to wild and false reports. Accordingly, I resolved that if I could save the two horses I had left from being pressed, I would let my black girl take care of the children, and I would attempt to make my way through the lines.

I held my horses by the bridles all night, and at daybreak fought off two rebel soldiers, who said that their major had sent them for the horses. Mounting my little boy on one, we rode to Lancaster, where I called on the wife of a Union refugee, Mrs. Louisa Jackman, to join me. She consented, and, leaving my boy, we rode out of town through back alleys, to escape observation, and had gone about 1¼ miles when three rebel soldiers halted us. Evading them, we abandoned the main road and traveled a circuitous route among the hills. Our way was very difficult and painful to us, and for the last 2 miles of it it was down the bed of a small stream full of shelving rocks, which compelled us frequently to dismount and lead our horses. We were glad to get out of this, when an old man told us that, if we could get our horses on the top

of a very high and rocky hill near by, we might better proceed unobserved. It required all of our care and strength to accomplish the task, as, in addition to walking up ourselves, we were obliged to pull our horses along, and guard them from stumbling down the hill. It was getting late, and we had been going since early in the day, when, as we were riding through a woods with a heavy undergrowth, a rebel picket hailed us. Pretending not to hear, he called a second and third time, when he cursed us, and drew his gun up to fire. Seeing that we must meet him, I quickly chewed and swallowed a pass I had in my pocket, while Mrs. Jackson concealed her face for fear of recognition by some recruits from her town. The interrogatories of the picket, and a captain who came up, we evaded as best we could, but were taken back to Bryantsville. When here, we earnestly solicited permission to ride back about 2 miles farther, to the house of a Mr. Johnson, which was granted. It rained now terribly, and we were in the whole of it. Our horses, too, got mired in a mud-hole, and in the rain we dismounted and worked them out. The next morning we made a second attempt to pass the lines, but were halted on our way, when just beyond Bryantsville, by pickets, who took us before Colonel Morrison, of the First Georgia Cavalry. He treated us very roughly; questioned us as to the Union strength; said that he suspected we were Yankee spies, and that he hoped the Yankees would burn the bridge, as then they could fortify on Boone's Bluff, and hold their position until reinforcements arrived. When he dismissed us, he warned us not to be caught in their lines again.

It was very evident now that we could not gain the bridge, as every avenue to it was closely guarded by rebel pickets. We decided to make our next attempt to cross at a ferry some fifteen or twenty miles down the river. While the rebels were at dinner, we managed to elude their pickets by slipping carefully around a rocky hill away from the main road, and, when once outside of their lines, rode as rapidly as possible. We had been directed to Mr. Overstreet, a Union man, who lived in the vicinity of the ferry, and met him about three miles from his house, just as a heavy rain was coming on, through which we rode home with him. He informed us that the boat at the ferry had been sunk at noon. Warming ourselves and getting something to eat, we started for the river to see if we could not find some way to cross. We rode on the top of the bluff along the river and descried a Union picket on the opposite side, to whom we called, and when he was within hearing distance related our errand. He immediately went for an officer. While he was gone, we crouched under the cedar bushes for protection from the rain, which fell in torrents. The picket soon returned, with an officer and four soldiers, and we were directed to hold up our hands and swear that we were loyal women. A raft of cedar poles was now prepared, upon which a large slab was laid. This was ferried over with great difficulty by two soldiers, as the river was very high and swift from the continued rains, and was full of drift. In the mean time we descended the hill, which was very steep, with the assistance of a colored man, and clinging to the bushes as we went along to escape from being precipitated into the river. When the raft touched the shore we stepped upon the slab, and, getting upon our hands and knees, held fast, with our eyes shut, and the water running into our shoes and midway between our hands and elbows. In this condition we were ferried across. When we landed it was dark, and the rain was still pouring down. There was a high hill to walk up, and we were almost worn out. When half way up, Mrs. Jackman's strength failed her. The officer kindly placed us both on his horse and led the way to camp. Reaching the house of a Mr. Phillips, we procured an open buggy, with one seat, in which he drove us four miles to camp. Here we learned that headquarters had been removed a mile and a half farther away, and accordingly we plodded our way thither, accompanied by Major Owens and Captain Bridgewater, of the First Kentucky Cavalry.

When we arrived it was half past 10 o'clock at night, and the shocking condition in which we were in can hardly be imagined. Until explanations were made, Mrs. Morse, the lady of the house, refused us admission. We now delivered our message to Colonel Wolford; told him how the Union army was falling back deceived by false reports; informed him that the entire rebel strength did not exceed three thousand men, with only six pieces of artillery, and that every third man had no ammunition beyond what was pressed in the neighboring country. We found it difficult to convince the colonel of the truth of our statements. He read from a newspaper that there was a great army of rebels at Camp Dick Robinson, and still another large army of them crossing Cumberland River to join them; the very reports, in fact, that the rebels were industriously circulating, and under cover of which they were gaining their victories and forcing our troops to retreat. We reiterated our statements, and implored the colonel not to burn the bridge, which he said he believed would be done before two hours. Begging him to disobey any orders to that effect, he agreed to wait until he telegraphed our information to General Carter, who in turn announced it to General Gilmore, the latter replying that he wanted our names; they were sent and recognized by refugees at the office. At about 2 o'clock at night orders were sent to General Carter to join Colonel Wolford at the bridge and attack the enemy at once. By daylight the floors of the bridge were relaid, the combustibles removed, and the Union

troops were crossing to attack the rebel camp. They met with but little opposition, and the rebels were soon in rapid retreat. Before night our forces had captured all their artillery, large numbers of horses and mules that had been pressed, and over five hundred prisoners, and had driven the survivors across the Cumberland River, where many were drowned in crossing. I reached my home on Sunday evening, at 4 o'clock. The notoriety which we had acquired made it both unpleasant and dangerous to remain at our homes. At each raid and invasion of the rebels we were obliged to refugee, and finally my husband concluded to leave the State altogether. We sold our farm at a great sacrifice, and removed to Indiana, where we now live. Dr. Jackman, too, was compelled to sell his home in Lancaster and remove to the State of Illinois, where he remained with his family until the close of the war, when they removed to their present home in Kentucky, about 100 miles distant from Lancaster, where they formerly lived.

MRS. MARTHA G. VAUGHN.

Your committee adopt the report of Mr. Logan, so far as concerns the facts of this case, but it appearing that Mrs. Martha Vaughn has departed this life, they recommend that the bill under consideration be indefinitely postponed and submit an original bill herewith for the relief of Mrs. Louisa Jackson and the legal representatives of Mrs. Martha Vaughn, and recommend its passage.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 422.

IN THE SENATE OF THE UNITED STATES.

APRIL 7, 1886.—Ordered to be printed.

Mr. DOLPH, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1311.]

The Committee on Claims, to whom was referred the bill (S. 1311) for the relief of the administrators of the estate of Isaac P. Tice, deceased, having had the same under consideration, report:

This claim was reported favorably from the Committee on Claims at the first session of the Forty-eighth Congress (S. 1607, Rept. No. 845). Your committee adopt that report, which is as follows:

The Committee on Claims, to whom was referred the bill (S. 1607) for the relief of the administrators of the estate of Isaac P. Tice, deceased, submit the following report:

That Isaac P. Tice, above named, was the inventor and patentee of a spirit meter, which was adopted for use in collecting the internal-revenue tax on spirits by the Secretary of the Treasury and the Commissioner of Internal Revenue April 17, 1867. Their authority for so doing is contained in section 15 of the act of Congress of March 2, 1867.

By their contract of April 17, 1867 (renewed September 16, 1868), the Secretary of the Treasury and the Commissioner of Internal Revenue fixed the price of the meters which were to be manufactured and supplied by Tice, provided that they should be attached to distilleries and paid for by distillers—the price to be paid by the distiller by depositing with the collector of internal revenue for his district a certificate of deposit payable to the order of Isaac P. Tice, this certificate to be forwarded to Tice through the Bureau of Internal Revenue when the meter should be attached. The contract also provided that on its suspension or abrogation Tice should be paid by the Government for such meters as he should have on hand, or in process of manufacture, not exceeding twenty sets.

The contract, so far as the manufacture of meters was concerned, was suspended June 8, 1870, and finally canceled absolutely June 8, 1871. On June 8, 1870, Tice had on hand about fourteen and one-half sets of meters in process of manufacture. He also had due him for meters delivered prior to that time a large sum of money, which has never been turned over to him by the Treasury, although paid in to collectors by distillers. The meter itself is said to have been of great value in increasing the revenue from spirits.

Tice, after the final cancellation of his contract, spent some time in trying to get his claim allowed in the Department until his premature death in 1875. His attorney, Mr. E. N. Taft, of New York, became unable about the same time, by reason of the failure of his health, to attend to any business, but the papers and data pertaining to Tice's claims remained in his office until about 1880, when they were obtained by the present administrators to aid in the presentation of the present bill for relief, &c.

In the mean time an attempt was made in the name of the estate by a former administrator, without possession of the proofs in Taft's custody, to establish a claim for the "meters on hand," which claim was defeated in the Court of Claims on the law and failure of proof of fact. (See C. Cls. R., p. 112.) The United States Supreme Court, however, held, on appeal, that the court below erred as to the law, but affirmed for failure of proof. (See 99 U. S. R., p. 287.) Such proofs and means of proof have since come to light, and have been submitted to this committee.

The present bill permits the claimants to prosecute in the Court of Claims on the whole of their claims, and freed from the bar of the statute of limitations.

This committee thinks that the laches, or apparent laches, of the claimants have been fairly accounted for, and that the present bill gives nothing but what exact justice to the Government will permit, to wit, a day in court on the whole case upon the merits in law and equity.

The Committee on the Judiciary of the House of Representatives at the present session of Congress have made favorable report upon a House bill identical in language with the one under consideration. The report is so full and complete, and such a satisfactory showing, that your committee hereunto annex the said report, omitting, however, the exhibits attached thereto, being as follows: Letter, with accompanying statements, showing amounts received for account of Tice, from honorable Green B. Raum, Commissioner of Internal Revenue, to the Secretary of the Treasury dated February 9, 1883, and affidavits of the following parties, showing number of meters an hand in June, 1870, viz, W. J. Cotter, jr., Jesse B. Badeau, C. F. Mead, and Francis W. Clark. Reference is hereby made to said exhibits, which are important and will be found in Report No. 1972, present session House of Representatives.

Your committee concur with the House Committee on the Judiciary in recommending the passage of the bill.

The Committee on the Judiciary, to which has been referred House bill 5092, *beg leave to report:*

Isaac P. Tice invented a meter which, when attached to a distillery, measured the quality and strength of spirits distilled. It was adopted under the act approved March 2, 1867 (14 United States Statutes, 481).

The facts of the case and the law arising thereon are fully stated by Mr. Justice Harlan in the case of Tice *vs.* United States in the Supreme Court (92 United States Reports, 266) on appeal from the decision of the Court of Claims (13 Court of Claims Reports, 112).

The committee cannot do better than insert the whole judgment of the Supreme Court, which is as follows:

"By an act approved March 2, 1867 (14 Stat., 481), the Secretary of the Treasury was authorized to 'adopt, procure, and prescribe' for use hydrometers, weighing and gauging instruments, meters, or other means for ascertaining the strength and quality of spirits subject to tax, or for the prevention or detection of frauds by distillers of spirits.

"On the 18th April, 1867, the Secretary adopted the Tice meter, and prescribed its use in distilleries, upon certain agreed conditions fully set forth in a letter to the inventor. Among those conditions were these: 'The Secretary of the Treasury holds himself at liberty at any time to adopt any improvement or modification of the meter or system, or at any time to revoke the order adopting the meter, and to discontinue their manufacture on behalf of the Government. If the first meter shall prove successful when subjected to the test above set forth, and the Government shall subsequently revoke the adoption of the meter and order a discontinuance of proceedings, you will be paid such sum as may be determined upon in the manner hereinafter stated, for all instruments which you may have completed, or have in process of completion at the time of revocation; provided that at no time shall you have more than twenty sets in process of manufacture at any one time, unless directions shall be given hereafter for the manufacture of a larger number.'

"By joint resolution passed February 3, 1868, Congress directed the appointment, by the Secretary of the Treasury, of a commission which, in connection with the then existing commission of the Academy of Science, should examine all meters and mechanical contrivances or inventions presented to them which were intended to measure, test, and ascertain the productiveness of grain or other articles prepared for distillation, at the actual quantity and strength of distilled spirits subject to tax, produced therefrom, the result of such examination to be communicated to Congress. The act declared 'that *pending* the action of said commission, and *until* their report be made, and a meter shall by law be adopted, all work on the construction of meters, under the direction of the Treasury Department, be and is hereby *suspended.*' '*And in the mean time* no further contract shall be made by the Secretary of the Treasury' under the act of March 2, 1867.

"By an act approved July 20, 1868 (15 Stat., 125), power to 'adopt and prescribe' meters was conferred upon the Commissioner of Internal Revenue. That officer, on September 16, 1868, decided to adopt and prescribe the Tice meter, and upon certain conditions, to which the inventor assented, he directed the latter 'to proceed with their construction.' Among the conditions were these:

"*Third.* The 117 meters now finished will be immediately made ready for delivery and 36 now in process of manufacture will be completed as soon as possible. The

manufacture of others, to the number of 500 in all, is to be proceeded with as rapidly as possible, and thereafter not more than twenty sets are to be in process of construction at one time, unless a greater number is directed by the Commissioner of Internal Revenue.

"*Fourth.* The Commissioner reserves to himself, or his successor in office, the right at any time to adopt any improvement of the meter or system, or to revoke the order adopting the meter, and to direct on the part of the Government a discontinuance of its manufacture."

On the 7th June, 1870, the Commissioner ordered the discontinuance of that kind of Tice meter known as the second or "credit" meter, and required distilleries to use thereafter the Tice sample meter, and the Tice automatic meters adapted for use as sample meters.

On the succeeding day, June 8, 1870, the Commissioner addressed to Tice a letter, in which, among other things, he gave notice that instructions and regulations in force prior to October 8, 1869, "relating to the ordering and shipment and payment for the meters invented by you and prescribed for use in distilleries, remain in force only in respect to meters heretofore delivered, and also those you may now have on hand, or in process of construction, not exceeding twenty sets." In that letter the Commissioner further says: "Any regulations heretofore prescribed, addressed to you by or from this office, directing or authorizing you to construct, or proceed with the construction of, or to furnish, meters, especially those of September 16, 1868, are revoked, except as aforesaid. New rules, regulations, and orders have been prescribed, a copy of which is herewith inclosed, it being distinctly understood that neither the Government of the United States nor any Department or officer thereof, is or will be responsible for or on account of any spirit meters, or the attachment or adjustment thereof."

By a formal order made on June 7, 1871, the further use of Tice's spirit meters was finally discontinued, and all existing orders prescribing the same were revoked. At the date of that order Tice had on hand 14½ sets of meters, worth $25,000, for which sum, and for the storage up to April 8, 1873, the estate of Tice rendered an account against the Government on the 12th of April, 1873. The account was approved by the then Commissioner, but payment being refused, this action was brought against the Government for the recovery of the sum claimed.

From a judgment in the Court of Claims in favor of the Government this appeal is prosecuted.

We concur with the learned counsel for appellants in the proposition that the contract made on the 18th of April, 1867, by the Secretary of the Treasury with Tice was not abrogated by the joint resolution of February 3, 1868. By the terms of the resolution it was only suspended until final action by the commission, whose report was designed as the foundation of a statute which would designate the kind of meters which should be adopted. But express authority to make a new contract was conferred by the act of July 20, 1868, upon the Commissioner of Internal Revenue. That officer was empowered to adopt and prescribe for use such hydrometers, saccharometers, weighing and gauging instruments or meters as he might deem necessary. The extent of the authority intended to be conferred upon him is manifested by the third section of the act of July 20, 1868, which required every owner, agent, or superintendent of a distillery to furnish and attach, at his own expense, such meter as the Commissioner might adopt and prescribe for use. It was by virtue of its provisions that the agreement of September 16, 1868, was made. And, according to any fair construction of its terms, in the light of attendant circumstances, the Government was bound, as under the agreement of September 18, 1867, to pay for such sets, not exceeding twenty, as Tice might have on hand at the time their use should be discontinued. The provision to that effect in the contract of April 18, 1867, is so reasonable and just that we shall not presume that the contract of September 18, 1867, was intended to establish a different rule of compensation to the inventor. But we do not perceive, however, that all this justifies the conclusion that the Government was under any legal obligation to pay for the meters which Tice had on hand on June 8, 1871, and for the value of which the account in question was presented. By the express words of the agreement of September 18, 1868, the Commissioner had the right at any time to revoke the order adopting the meter, and to direct the discontinuance of its manufacture on behalf of the Government. That power was partially exerted by the order of June 7, 1870, which dispensed with the further use of all Tice meters, except the sample meters or the automatic meters adopted for use as sample meters.

But the power of revocation and discontinuance was fully exerted by the sweeping order of June 8, 1870, which, reserving the rights of Tice as to all meters theretofore delivered, and as to such as were then on hand or in process of construction, not exceeding twenty sets, revoked all previous regulations which directed or authorized the inventor to construct, or proceed with the construction of, or to furnish, meters, and especially the regulation of September 16, 1868. By that order distinct notice was given to the patentee that neither the Government of the United States nor any

Department or officer thereof was or would be responsible for or on account of any spirit meters, or the attachment or adjustment thereof. The order of June 8, 1870, did not, perhaps, discontinue the use of meters altogether, but it clearly furnished notice that the patentee could not look to the Government for protection or reimbursement as to any meters *thereafter* constructed by him and used by distilleries. The meters for which the account was rendered were on hand on June 8, 1871, when all existing orders prescribing the same for use were absolutely revoked and the further use of Tice meters discontinued. Had they been on hand and in the process of construction at the date of the order of June 8, 1870, we would not doubt the liability of the Government for their value. But no such fact is found, and we suppose no such fact could have been established.

"While we do not agree with the court below in all the reasons assigned in support of the conclusion reached, we think its judgment is in accordance with the law, and it is affirmed."

It thus appears that had the claimant's administrator proved that Tice had the 14½ meters on hand on the 8th of June, 1870, the recovery would have been allowed.

It will be seen that the estate of Tice presented this claim to the Government April 12, 1873, which was approved by the then Commissioner, but not paid. This fact shows that Tice had died before that date.. His attorney became ill, and the papers of the attorney were in such confusion as to disable the administrator of Tice to get at the facts which were evidenced by the papers. And it seems that the case was supposed to turn upon the question whether the meters were on hand in July, 1871, and not at the prior date of June 8, 1870. They were no doubt on hand in July, 1871, and the only question is, under the decision of the Supreme Court, were they on hand in June, 1870?

Depositions have been laid before the committee of four witnesses to supply this proof, and are persuasive to that result; and the question remains, shall the administrator be allowed a hearing in the Court of Claims, where he may establish this fact?

There is no sufficient ground, perhaps, accounting for the failure to prove this fact, to induce a court to award a new trial, even were a motion made for the purpose in due time. But your committee do not think that the leave should be denied by the Government when there may be proof furnished to establish a just claim under contract by a citizen against it. Where there is no fraud, and the evidence may be sifted by a court, your committee sees no danger to result from allowing a rehearing at all comparable with the injustice of denying it to a real creditor of the Government, and under these circumstances such relief should be extended to the claimant.

A second claim for about $140,000 is now presented, based upon the alleged fact that the Commissioner of Internal Revenue, by an order in January, 1869, directed the collectors to take the certificates of deposits in the collector's name from the distilleries for the price of the meters furnished, instead of making them payable to Tice. Thus the collectors of the Government intercepted the funds due to Tice, and much due to him was paid into the Treasury.

The Government thus assumed a *quasi* fiduciary relation to Tice, receiving his moneys with a liability to account to him. This being so, and no account with him having been had, and no tender by the proper officer, as far as appears, to do so, it is not a proper case for the Government to insist upon lapse of time, or any limitation to protect itself against the just demand of one whose money the Government has received, intercepted, and withholds, especially where all the papers and evidences of claim are in the hands of the Government, and not in those of the claimant. If the Government has his money there is no just reason why he should not be allowed in its Court of Claims to assert his right and prove from the records of its office the amount it has so received and withholds from him.

The letter of the late Commissioner Raum is hereto annexed, and the account of moneys admitted to have been collected on his account. They show that the Treasury holds his money, and there is no just reason why Tice's administrator should not receive it upon due proof.

Your committee therefore report the bill referred, with a recommendation that it do pass.

Your committee also annex the depositions of Badeau, Cotter, Mead, and Clark.

All of which is respectfully submitted.

The committee recommend that the bill be amended by striking out the words "with interest at the rate of 6 per centum per annum from the date the several sums should have been paid to said Tice," and that as amended it do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 423.

IN THE SENATE OF THE UNITED STATES.

APRIL 7, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1204.]

The Committee on Pensions, to whom was referred the bill (S. 1204) for the relief of the children of the late Surgeon Alfred M. Owen, and to increase their pensions, have examined the same and report:

The poor children named in this bill are the minor children of Alfred M. Owen, late a surgeon in the United States Navy. They were pensioned by the Department from August 23, 1883, at the rate of $25 per month, which sum is divided among them at the rate allowed by the general law for officers of this grade; and an additional sum of $2 per month for each child until they arrive at the age of sixteen years.

A careful examination of the evidence in this case shows that the life of Surgeon Owen was sacrificed, not only to his own extraordinary devotion to duty, but that apparently there was no good reason why he should have been subjected to such risk and exposure, unless the dread disease which seemed to nerve him to unusual heroism and sacrifice intimidated the other officers who might have been sent to his relief. Of course it is impossible to say what might have been the result had he been furnished with proper assistance by the Department and seasonably relieved, but nearly every representative man in the Navy, from the highest to the lowest, as though conscious that this officer's life had been culpably put at risk, if not sacrificed, has petitioned Congress for the passage of this bill. The least reparation that the country can make for this fatal neglect is to provide reasonably for the support and education of his little children.

The report of the House committee is hereto appended, and is referred to as a truthful statement of the facts of the case.

Your committee recommend the passage of the bill with the following amendments: Strike out, in the seventh, eighth, and ninth lines, the words "to date from the twenty-second day of August, eighteen hundred and eighty-three, on which day the said Surgeon Alfred M. Owen died, and," and also all after the word "them," in the fifteenth line.

The naval career of the deceased officer, which began in May, 1869, was one of exceptional credit, and was made conspicuous by an unusually wide range of duties by sea and land. From his entry into the service until his death he was constantly employed, exercising professional attainments of a very high order, and that he dignified every duty assigned him by the zeal, courage, fidelity, and intelligence displayed in its execution, is the testimony of all who knew him.

He was always conscientious, earnest, skillful, kind, and courteous, commanding thereby the affection and confidence of the sick, and the respect and admiration of his superiors.

In February, 1882, he reported for duty at the navy-yard, Pensacola, and a few months later was combating the much-dreaded yellow fever. By his judicious sanitary provisions and personal force and courage, he established a cordon of environment which preserved the naval station from the plague which devastated the neighboring city. At the height of the epidemic, when the physicians of Pensacola had been cut off by the fell disease, he bravely volunteered to go into the city to attend the afflicted.

In the following summer (1883) he was without medical assistance, performing the quadruple duty of surgeon of the navy-yard, surgeon of the naval hospital, surgeon of the reservation, and quarantine officer of the lower bay.

A return of the fever was looked for. Every officer who could be spared was permitted to leave, and this brave officer could have been detached upon application, but he scorned the thought.

August 14, 1883, the fever reappeared. Overexertion and exposure to the sun had caused Surgeon Owen a partial sunstroke in July, and while yet suffering from this, he was, on August 16, himself seized with the fever. For two days there was no one on land to treat the hero, and on the 22d he died. His faithful wife was untiring in her efforts at his bedside, and within a day or so after his death, she was stricken with the same disease; at midnight of the 29th she was buried by his side.

They left behind them four children, between the ages of three months and eight years, each of whom and their nurse also had the fever.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 424.

IN THE SENATE OF THE UNITED STATES.

APRIL 7, 1886.—Ordered to be printed.

Mr. PIKE, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 304.]

The Committee on Claims, to whom was referred the bill (S. 304) to compensate physicians for services rendered under an order of the United the States court of the northern district of Alabama, having considered same, submit the following report:

This claim has been before the House of Representatives of the Forty-eighth Congress; was referred to the Committee on the Judiciary and reported upon favorably by that committee. Said report is House Report No. 613, Forty-eighth Congress, first session, and is as follows:

[House Report, No. 613, Forty-eighth Congress, first session.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 1763) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama, having considered the same, report as follows:

In the year 1879 one Holman Leatherwood, a revenue officer of the United States, on duty in the northern district of Alabama, disappeared under suspicious circumstances, and Berry O. Wood and Warren Noogin were arrested and held to answer for his murder.

About November 7, 1879, the body of a man, in an advanced stage of decomposition, supposed to be that of Leatherwood, was found; and A. W. McCullough, United States commissioner for said district, ordered A. R. Erskine, J. J. Dement, H. W. Bassett, and A. R. Burnett, reputable physicians, to proceed and examine the body, for the twofold purpose of identification and ascertaining the cause of death. This order was approved and confirmed by the United States district judge for said district.

The examination was made pursuant to the order, by the four physicians above named, who reported the result, and also attended court and testified in the case.

They presented a bill for services in making the autopsy, amounting to $400, which bill was approved and allowed by the court; but as there were no funds available for the purpose, the bill was not and never has been paid.

Your committee find that the service performed was obligatory upon these physicians under the order of the court, and that it was extremely offensive, if not dangerous. The committee find the charge to be very reasonable for the service rendered, and therefore report favorably and recommend the passage of the bill.

It has also been presented to the House at the present Congress and referred to the Committee on Claims, which committee has made a favorable report, which is House Report No. 1071, but as yet it has received no further action by the House.

The following is a copy of said report:

[House Report No. 1071, Forty-ninth Congress, first session.]

The Committee on Claims, to whom was referred House bill to compensate physicians for services rendered under an order of the United States court for the northern district of Alabama, submit the following report:

That we find the facts in this case to be as follows: That in the year 1875 one J. Holman Leatherwood, a deputy collector of internal revenue in the State of Alabama, was killed while in the discharge of his official duties; that Berry O. Wood and Ma-

rion Hoogin were arrested for killing him. One month after the homicide, a body, supposed to be that of Leatherwood, was found in the Coosa River. On the preliminary examination it was necessary to have this body identified as that of Leatherwood. An autopsy was held by Drs. A. R. Erskine, J. J. Dement, H. W. Bassett, and A. R. Burnett, by order of the commissioner before whom the preliminary examination was held. At the time of such examination the body was in a state of putrefaction, and the examination was nauseating and offensive; that the commissioner allowed said physicians $100 each for their services, and issued an order directing the marshal to pay the same, which said marshal declined to do without the authority of the Department of Justice; that afterwards, on motion, the circuit court of the United States ordered and directed the marshal to pay said amount of $100 to each of said physicians; that said services of said physicians were performed in obedience to a subpœna and order of the court, and that neither said services nor any part thereof has ever been paid for.

From all the evidence in the case, your committee think that said physicians are entitled jointly to the sum of $400, and that it is a legitimate case for Congressional relief, and recommend the passage of the bill with an amendment: In the fifth line erase the words "two thousand" and insert the words "four hundred."

The committee think this claim is just to the extent of $400, and they recommend the amendment of the bill, in line 5, by striking out the words "two thousand," and inserting the words "four hundred," and, when so amended, recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 425.

IN THE SENATE OF THE UNITED STATES.

APRIL 7, 1886.—Ordered to be printed.

Mr. SPOONER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2078.]

The Committee on Claims, to whom was referred the bill (S. 535) for the relief of Coronna, Taussig & Co. and others, have had the same under consideration, and respectfully report:

The claim of Coronna, Taussig & Co., and some others mentioned in the bill, were considered by the Committee on Claims of the House of Representatives at the third session of the Forty-sixth Congress, and by the Committee on Ways and Means of the House of Representatives at the first session of the Forty-seventh Congress, and also by the Senate Committee on Claims at the first session of the Forty-eighth Congress, each of which committees reported favorably.

You committee caused to be addressed to the Commissioner of Internal Revenue a note, transmitting a copy of the bill, together with a report submitted upon a similar bill, prepared at the first session of the Forty-eighth Congress by Mr. Manderson, requesting such information as the records of the office afforded, properly bearing upon these claims, and have received in reply a communication from the Commissioner to the Secretary of the Treasury, setting forth the facts out of which these claims arise, which communication is as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, February 6, 1886.

SIR: I have the honor to inclose herewith a letter, dated January 27, 1886, received at this office from Senator John C. Spooner, of the Committee on Claims, United States Senate, inclosing a copy of Senate bill No. 535, for the relief of Coronna, Taussig & Co. and others, and a copy of a report made by the Senate Committee on Claims, Forty-eighth Congress, on a previous bill for the relief of the same parties.

Mr. Spooner asks to be informed what the records of this office show as to the several claims mentioned in the bill, and for such suggestions as the interests of the Government seem to demand.

I have acknowledged the receipt of Mr. Spooner's letters and papers, and informed him that I would have a report on the cases made, which, under the rules of the Department, would be transmitted to you, and that you would doubtless forward said report, or a copy thereof, to him.

The records of this office show that all the parties named in the bill did, prior to the date when such claims would have been barred by the statute of limitation, file claims for the refunding of taxes alleged to have been paid on bagging and rope, or tare of cotton, and that such claims were allowed in part, and disallowed as to the remainder.

Prior to November 11, 1865, in most of the collection districts the tax on cotton was assessed and collected upon the gross weight of the bales. On that date this

office addressed a letter to Assessor Webster, of the second district of Georgia, authorizing an allowance for bagging and rope in assessing cotton. On the 13th of December, 1865, a letter was addressed to Assessor Cooper, of the first district of Tennessee, directing a reasonable allowance for bagging and rope in assessing cotton. This letter expressed the view that such an allowance was a matter of liberality rather than of right, and that tax-payers would not be entitled to a return of taxes already paid on tare of cotton.

The date of the letter to Assessor Webster, November 11, 1865, was afterward fixed upon as the date from which taxes so paid would be refunded.

Numerous claims for the refunding of taxes paid on tare of cotton were filed in this office during Mr. Rollins's term as Commissioner, and, with but few exceptions, he allowed such portion of each claim as consisted of tax paid on tare of cotton after November 11, 1865.

The act of July 13, 1866, authorized the deduction of 4 per cent. from the gross weight of each bale or package in ascertaining the weight of cotton for assessment.

In February, 1871, Commissioner Pleasonton decided to refund all tax paid on bagging and rope, without regard to the date of the first letter authorizing an allowance for tare. In consequence of this decision a large number of the parties whose claims had been allowed in part only by Commissioner Rollins presented new claims for the refunding of the portion previously disallowed. Some of these claims were allowed by Commissioner Douglass before it was discovered that they were duplicates, but his attention being called to the fact that Commissioner Rollins had acted adversely as to the amounts claimed, he rejected a number of the claims presented from Memphis, Tenn., upon the ground that the action of Commissioner Rollins upon the cases was final, and could not be reviewed by his successor in office. The question as to the correctness of the views adopted by Commissioner Douglass was, on June 18, 1883, submitted to the Attorney-General, who gave an opinion which confirmed the ruling of Commissioner Douglass. (Opinions of Attorneys-General, Vol. 14, page 275.)

Thereafter, whenever claims were presented, if any portion thereof had been disallowed by a previous Commissioner, that portion was rejected.

The claims included in Senate bill No. 535 are, with two exceptions, claims for the same, or nearly the same, amounts disallowed by Commissioner Rollins as paid prior to November 11, 1865. In some cases new claims were presented after Commissioner Rollins's retirement from office, but were rejected for the reason that Commissioner Rollins's action thereon was final. In some cases new claims have not been presented.

The two exceptions referred to are the following:

The claim of Anderson & Watson, in which the amount disallowed was but $1,070 83, and the claim of Toof, Phillips & Cirode, in which the amount disallowed was but $470.62. Anderson & Watson did present a claim for the refunding of $332.50, tax alleged to have been paid on tare of cotton, which appears not to have been acted upon. It was returned for amendment, and has not since been received at this office. I am unable to say what taxes were embraced therein. Toof, Phillips & Cirode presented a claim for $511.80, which, with the $470.62 disallowed on the claim allowed in part by Commissioner Rollins, makes the amount, $982.42, named in the bill. From an examination of this claim it appears that, with the exception of $3.78, which has since been allowed, it is a duplicate of the claim first presented.

With these exceptions the amounts named in the bill are probably the amounts due the claimants if the decision of Commissioner Pleasonton, which has continued to be the rule of practice, is the correct rule. A careful auditing of the several cases may, however, show that a less amount is due in a number of the cases.

Relief has been granted by Congress in similar cases. See the act for the relief of Benjamin Babb and others, 21 Statutes, 587.

The statements contained in the report prepared by Senator Manderson appear to be substantially in accordance with the facts as known to this office.

The provisions of the pending bill are regarded as just and equitable, and I am disposed to recommend its passage.

I would, however, suggest the following amendments:

Lines 30 and 31 should read "four hundred and seventy dollars and sixty-two cents," instead of "nine hundred and eighty-two dollars and forty-two cents."

Line 36 should read "Gates & Wood," instead of "Gates & Woods."

Line 63 should read "Galbreath and Stewart," instead of "Gallbreath and Stewart."

Line 65 should read "J. G. Bell and Brother," instead of "J. G. Bell Brothers."

Line 77 should read "A. P. Dorgan," instead of "J. P. Dorgan."

Line 81 should read "Albert Strassburger," instead of "Albert Strasburger."

Line 85 should read "J. P. Dickinson," instead of "J. P. Dickerson."

Line 91 should read "W. H. Roberts and Company," instead of "William H. Roberts and Company."

Line 105 should read "Wormeley, Joy and Company," instead of "Wormley, Joy and Company."

Line 109 should read "Foster Gwyn and Company," instead of "Foster Gwynn and Company."

Very respectfully,

H. A. ROGERS,
Acting Commissioner.

Hon. DANIEL MANNING,
Secretary of the Treasury.

It is quite clear to your committee that both justice and precedent require the allowance of these claims.

The amendments suggested in the foregoing communication are so numerous that your committee reports herewith a substitute for the bill referred to it, embodying said amendments, and recommends the passage of the substitute.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 426.

IN THE SENATE OF THE UNITED STATES.

APRIL 7, 1886.—Ordered to be printed.

Mr. FAIR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2073.]

The Committee on Claims, to whom was referred the bill (S. 1002) for the relief of the officers and crew of the light-house tender Lily, and the inspector of the fourteenth United States light-house district, having considered the same, submit the following report:

The facts in this case are contained in the report of the House Committee on Claims, made this session, which report is as follows:

The Committee on Claims, to which was referred House bill 1775, having duly considered the same, submits the following report:

That on the night of September 19, 1884, the light-house tender Lily was burned in her berth at Litherbury street, Cincinnati, Ohio. The officers, crew, and the inspector of the fourteenth United States light-house district, by reason of the rapidity of the fire, were unable to save any of their private property on board.

Vice-Admiral Stephen Rowan, U. S. Navy, immediately after the fire, convened a board for the purpose of ascertaining all the facts in relation to the burning of the light-house tender Lily.

That board convened in the city of Cincinnati on the 24th day of September, 1884, and made a full investigation of the facts, the evidence given by the witnesses then examined being before your committee.

The board, after a thorough examination of all the circumstances attending the burning of the tender and the conduct of the officers and crew, gave the following opinion:

OPINION OF THE BOARD.

Having carefully investigated the circumstances attending the burning of the light-house tender Lily on the morning of the 20th September, 1884, we respectfully submit the above statements of the material facts, together with our conclusions and opinions as to the responsibility for the accident, and the conduct of the inspector, the master, the officers and crew of the tender during the fire:

(1) That the inspector had certainly selected a proper berth for the tender Lily, where she would have been safe from fire until the two other boats, Morning Mail and Bonanza, moved alongside.

(2) That the weight of evidence shows that the berth of the Lily, with the Morning Mail and Bonanza alongside of her, was as safe a one as could be obtained about Cincinnati at the low stage of water in the Ohio River when the fire occurred.

(3) That the fire originated on board the steamboat Morning Mail, and spreading rapidly to the other steamboats prevented the possibility of extinguishing the flames in that position.

(4) That every possible exertion was promptly made to extricate the Lily from her position near the burning steamers, and that her officers partially succeeded in doing so.

(5) That the inspector, master, officers, and crew continued their exertions to save the vessel until they were driven on shore by the flames.

(6) It is also our opinion that there was no carelessness or neglect of precautions

against fire on board the tender Lily, and that Commander Kellogg, the master, offi cers, and crew of that vessel acted promptly and courageously to save public propert

Very respectfully, your obedient servants,

W. P. McCANN,
Captain, U. S. Navy, and Senior Member.
JAMES O'KANE,
Commander, U. S. Navy.
C. H. WEST,
Lieutenant, U. S. Navy.

Your committee upon a review of the evidence concur in the findings of the boar
The committee received the following letters from the Treasury Department:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, February 10, 1886.

SIR: The Light-House Board has the honor to acknowledge the receipt of a lett from the Committee on Naval Affairs of the House of Representatives, dated 8th Fe ruary, 1886, asking that it be furnished with any papers on file in this office relati to the conduct of the officers and crew of the light-house tender Lily, at the time s was burned, together with a copy of such recommendations as the Board may ha heretofore made relative to reimbursing those officers.

In reply the Board begs leave to send herewith a copy of the report of the proce ings of the board of investigation on the burning of the United States light-hou tender Lily, dated at Cincinnati, Ohio, on 24th September, 1884, and signed by Ca W. P. McCann, U. S. Navy, as senior member, by which the first part of the inquiry answered; and in reply to the second part of the inquiry, the Board refers to Ex. Do 105, Forty-eighth Congress, second session, being a letter from the Treasury Depar ment of 20th December, 1884, to the Speaker of the House of Representatives tran mitting "a letter from the Light-House Board in regard to the burning of the ligh house tender Lily, and asking an appropriation of $5,000 to pay losses of officers an men," which was on the 5th January, 1885, referred to the Committee on Appropri tions and ordered to be printed.

The letter of the Committee on Naval Affairs, and House bill 1775, together with copy of the above-mentioned report of Captain McCann, are sent herewith.

Very respectfully,

S. C. ROWAN,
Vice-Admiral, U. S. Navy, Chairman.

The Hon. SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT,
February 13, 1886.

SIR: Respectfully referring to letter of the Committee on Claims, dated the 8t instant, and addressed to the chairman of the Light-House Board, inclosing Hous bill 1775, for the relief of the officers and crew of the light-house tender Lily, and th inspector of the fourteenth United States light-house district, and requesting to b furnished with any papers on file in this Department relative to the conduct of th officers and crew of the Lily at the time she was burned, together with a copy of suc recommendation as may have been made by the Department relative to reimbursin said officers, I have the honor to transmit herewith a copy of a letter from the Ligh House Board, of the 10th instant, with its inclosure, a copy of the "Report of th proceedings of a board of investigation on the burning of the United States ligh house tender Lily," dated September 24, 1884, and referring to Ex. Doc. No. 105, Fort eighth Congress, second session, being a letter from the Secretary of the Treasury t the Speaker of the House of Representatives, under date of December 20, 1884, tran mitting a letter from the Light-House Board, recommending an appropriation c $5,000 to pay losses of the officers and crew of the Lily.

Respectfully, yours,

D. MANNING,
Secretary.

Hon. WILLIAM M. SPRINGER,
Chairman Committee on Claims, House of Representatives.

Your committee are of the opinion that the officers and crew of the said vessel an the inspector of the fourteenth light-house district should be paid for the losses su tained by them by the burning of said vessel. There is no evidence before this con mittee as to what insurance, if any, was upon the personal property of the officer

crew, or inspector, and, if insured, whether any amount was received by them or either of them from the insurance company.

Your committee therefore recommend the passage of the accompanying substitute for the bill (H. R. 1775) and that the original bill do lie upon the table.

The substituted bill as reported by the House committee differs from the original bill in that it contains the following provisos:

Provided, That each person claiming remuneration under this act shall furnish to the Light-House Board a statement, duly verified, of the value of the property by him lost; also what amount of insurance, if any, received thereon, which amount shall be deducted from the value of said property on settlement by the accounting officers of the Light-House Board: *Provided also*, That the award of the Light-House Board for such losses shall be final, and the payment thereof to the several claimants shall be held and taken as a complete relinquishment and satisfaction of all claims for damages sustained by them by reason of the burning of said vessel as aforesaid.

Congress has passed relief bills similar to this heretofore, and notably one at the last session for the relief of the sufferers by the loss of the Government steamer J. Don Cameron (23 Stat. at L., chap. 152, p. 637). In that case it appeared that the boat was lost through the negligence of an officer of the Quartermaster-General's Department in employing a pilot who was not competent. In the case of the destruction of the Lily it seems from the report of the examining board that there was not only no negligence on the part of any United States official, but on the other hand every precaution was taken to place the boat in a safe berth, and after the fire broke out in the other boat to remove the Lily from its dangerous locality.

Your committee made inquiries of the Treasury Department relative to its reasons and policy in recommending the payment of $5,000 to the officers and crew of the steamer Lily in its letter found in Ex. Doc. No. 105, Forty-eighth Congress, second session, and received the following reply:

TREASURY DEPARTMENT, *April* 2, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, asking information as to the favorable recommendation of the claim of the officers and men of the light-house tender Lily for compensation for losses sustained by them at the time of the destruction of the vessel by fire on September 20, 1884, as set forth in Ex. Doc. No. 105, Forty-eighth Congress, second session.

In reply, I have respectfully to transmit herewith a copy of a letter of the Light-House Board of the 30th ultimo, stating that the reasons for such recommendation appear in the Board's letter accompanying the document in question, namely, that the officers and men of the Lily suffered these losses mainly because, entirely disregarding their own property, they used every exertion to save that of the Government.

Very respectfully, yours,

C. S. FAIRCHILD,
Acting Secretary.

Hon. JAMES G. FAIR,
Committee on Claims, United States Senate.

Your committee concur in the favorable report of the House Committee on Claims, and recommend the passage of the accompanying bill as a substitute for S. 1002, and that S. 1002 be indefinitely postponed.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 427.

IN THE SENATE OF THE UNITED STATES.

APRIL 8, 1886.—Ordered to be printed.

Mr. SPOONER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 84.]

The Committee on Claims, to whom was referred the bill (S. 84) for the relief of the First National Bank of Portland, Oreg., have examined the same, and beg leave to report:

That in May, 1875, the United States entered into a contract with the Oregon Iron Works, a corporation of Oregon, for the construction, at Albina, in said State, near Portland, of a revenue cutter, to be called "Thomas Corwin," for the sum of $92,000, to be paid in five separate installments of $18,400 each. The vessel was to be completed February 28, 1876.

The company proceeded with the construction of the cutter under the contract, and received from the United States, under the contract, four installments, or $73,600.

The company, pending the construction of the vessel, applied to the First National Bank of Portland, Oreg., for loans to enable it to perform the contract. On the 13th of June, 1876, the Oregon Iron Works made a letter of hypothecation or assignment, which, after reciting the advance by the bank of $25,000 for use in constructing the steam propeller contracted for with the United States, continued:

Now, in consideration of the advances above mentioned, and the further consideration of $1 paid to the said Oregon Iron Works, the said Oregon Iron Works hereby assigns to the said First National Bank of Portland, Oreg., any claim upon the United States Government for money due, *or to become due*, on account of the contract for the construction of above-named steam propeller, as collateral security for the above-named advances, or *any further advances* which may be obtained from said bank, &c.

This instrument was signed by the president, countersigned by the secretary, and the corporate seal was affixed.

In November, 1876, and before the vessel was completed, and the last installment was due under the contract, the Oregon Iron Works failed, and was adjudged bankrupt. At the time of the failure the First National Bank of Portland had advanced upon the security of the last installment, under the assignment above set forth, the sum of $18,399.96, which sum had, in the form of labor and material, gone into the vessel. The bank had been in various ways very active and efficient in its efforts to secure the completion of the vessel.

At the time of the failure of the company the United States took possession of the vessel, and took her to San Francisco, where she was finished by the Government under a clause in the contract hereinafter set forth, at a cost of $10,150.77, leaving a net balance of the contract price

of $8,249.23, which sum was, under the provisions of section 3691, covered into the Treasury, and carried to the surplus fund at the close of the fiscal year ending June 30, 1877.

While the vessel was at San Francisco suit was brought in the United States court by Coffin & Hendry for material furnished in rigging the vessel, in which suit the court held—

(1) That under the contract the United States did not become the owner of the vessel until completion and delivery, or acceptance after trial trip.

(2) That upon the failure of the contractor the United States took possession on under the power given by the contract to finish the vessel, and then only as the *agent of the contractor*.

(3) That the possession of the Government under such circumstances was the possession of the contractor, and that the vessel was therefore liable to lien in favor the plaintiffs or libelants.

From this judgment of the district court an appeal was taken by the United States to the circuit court, pending which the plaintiffs withdrew the suit, stating that they did it upon assurance that they could sooner receive payment of their claim by so doing.

J. F. Evans, a special agent of the Treasury Department, who examined into the facts and made a report to Secretary Sherman, under date February 27, 1878, speaking of this decision, says:

There is but one opinion at Portland among the lawyers for either side, including the district attorney, that the decision of the lower court would have been affirmed in the United States circuit court had not Coffin & Henry withdrawn their suit.

The clause in the contract under which the vessel was completed by the Government is as follows:

And it is further understood and agreed between the parties hereto that in case the neglect or failure of the said party of the first part to fulfill the stipulations its part of this contract, then the Secretary of Treasury is authorized to direct purchases to be made of all the necessary materials, and cause the construction and equipment of the vessel to be completed as herein specified and required, and the said party of the first part shall be liable to the said United States, in such event, for any excess of the cost of the vessel over the price hereinafter named and stipulated to paid therefor to said party of the first part; and in case of delay beyond the date hereinbefore mentioned for the completion and delivery of the vessel, there shall deducted $30 per day from the last payment, in the discretion of the Secretary of the Treasury, for each and every day that the completion and delivery may be delayed beyond the time specified in this contract, and the said party of the first part agrees to accept and receive said last payment, less said sum of $30 per day, for each and every day of delay, as above set forth, in full payment for the construction of said vessel, the other partial payments hereinafter mentioned having been previously made.

The committee are of the opinion that the decision of the court was correct; that the Government was, in completing the vessel, completing it as the agent and at the cost of the contractor; that the contractor was, under the contract, liable for sums necessarily paid out for completion, in accordance with the contract, but in excess of the contract price, and that the contractor and his assigns was entitled, the vessel being completed by the Government, to whatever sum of the last installment was not expended in completing the vessel.

It appears, as before shown, that the cost of completion was $8,249.23 less than the last installment of $18,400, which would have been due to the Oregon Iron Works had it completed the vessel. This sum clearly belonged to the First National Bank of Portland, under the assignment, and should be paid to it, unless the penalty of $30 per day for delay, provided for in the contract, is exacted. The vessel was nearly completed at the time of failure. It will be observed that the penalty was not an *absolute* one. It was in the discretion of the Secretary of the Treasury. He, it seems, did not choose to exact the penalty. This

committee discovers no reason, in the circumstances of the case, which calls for its enforcement by Congress.

There is no pretense that the work done by the Iron Works was not well done, and there is nothing upon the papers imputable to the company but the misfortune of bankruptcy. On the other hand, no reason is apparent why the United States should, as the bill proposes, make up to the bank the entire amount of its advance.

Your committee doubt the applicability to this case of the provisions of section 3477 R. S., prohibiting the assignment of "any claim upon the United States" until "after the allowance of such claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof." Here an appropriation had been made for the construction of the vessel, and the proper authorities had entered into a contract for the construction of the vessel, and had agreed to pay for the same in the five installments, each of $18,400. We doubt if a hypothecation or assignment of the amount to be earned under such an agreement is the "assignment of a claim upon the United States" within the meaning of the statute. (Dowell *v.* Cardwell, 4 Sanger, U. S. C. C., 228.)

But if the assignment or hypothecation falls technically within the statute, we think it should not be insisted upon to invalidate and destroy the claim, under the circumstances attending this case. There was nothing of speculation in the transfer. It was made in good faith to a bank in order to secure advances to be made from time to time to *enable the contractor to perform the contract.*

The committee refers to section 3487, which it regards as of great utility and importance to the Government, lest silence upon the subject might be construed by claimant as an indication that the committee is indifferent to its importance and enforcement. The committee will not hesitate to apply it in any case plainly coming within its letter and spirit.

The committee recommend that the bill be amended by striking out the words "eighteen thousand three hundred and ninety-nine dollars and ninety-six cents" where the same occur in the fifth and sixth lines of the printed bill, and inserting in lieu thereof the words "eight thousand two hundred and forty-nine dollars and twenty-three cents," and that when so amended the same do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 428.

IN THE SENATE OF THE UNITED STATES.

APRIL 8, 1886.—Ordered to be printed.

Mr. DAWES, from the Committee on Appropriations, submitted the following

REPORT:

[To accompany bill H. R. 5543.]

Indian appropriations, 1887.

Amount of estimates for 1887	$6,075,259 84
Amount of House bill	5,493,062 84
Increase made by the Senate committee (net)	51,020 00
Amount as reported by the Senate	5,544,082 84
Amount of appropriations for 1886	5,762,512 70
The bill as reported is less than the estimates	531,177 00
The bill as reported is less than the appropriations for 1886	218,429 86

The changes made by the Senate committee in amounts of appropriations of the bill as passed the House of Representatives are as follows:

INCREASE.

For the employment of practical farmers	$15,000
For prevention of illegal traffic in intoxicating liquors on or near Indian reservations	2,000
For payment to Delaware Indians in lieu of lands as per treaty	14,720
For investigation of Indian depredation claims	10,000
For day and industrial schools, including Saint Ignatius Mission School in Montana	62,500
For payment to Captain Pratt, in charge of Carlisle School	1,000
For completion of buildings and purchase of additional grounds for the Lawrence School, Kansas	58,000
Total increase	163,220

REDUCTION.

For pay of Indian agent, Omaha and Winnebago Agency	400
For Chippewas of the Mississippi	500
For Crows, subsistence	10,000
For Nez Percés, employés	1,500
For Poncas, subsistence	3,000
For Sioux of different tribes, clothing	10,000
For Sioux of different tribes, subsistence, &c	50,000
For Shoshones and Bannocks at Fort Hall Reservation, support, &c	1,000
For Shoshones, Bannocks, and Sheepeaters at Lemhi Agency, support, &c	1,800
For Modoc Indians in Indian Territory, support, &c	2,000
For Shoshone Indians in Wyoming, support, &c	7,000
For Shoshone Indians in Nevada, support, &c	4,000
For Sioux of Lake Traverse, support, &c	3,000

For Sioux of Devil's Lake, support, &c	$3,000
For incidental expenses of Indian service in Dakota	3,000
For incidental expenses of Indian service in Montana	1,000
For pay of Indian police	5,000
For removal of Spokane Indians to Colville Reservation	6,000
Total reduction	112,200
Net increase over House bill	51,020

The following is a comparative statement showing the appropriations made for the Indian service for the fiscal year 1886, the estimates submitted to Congress for the fiscal year 1887, the amounts provided by the bill as passed the House of Representatives, and the amounts recommended by the Senate Committee on Appropriations for 1887, namely:

Comparative statement showing the appropriations for the Indian Department for 1886; *the estimates for* 1887; *the amounts of House bill; and the amounts recommended by the Senate Committee on Appropriations for* 1887.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate Committee, 1887.
Current and contingent expenses.				
Indian agents	$91,300 00	$94,800 00	$89,800 00	$88,900 00
Interpreters	25,000 00	25,000 00	25,000 00	25,000 00
Indian inspectors, salaries	15,000 00	15,000 00	15,000 00	15,000 00
Indian inspectors, traveling expenses	6,000 00	8,000 00	8,000 00	8,000 00
Superintendent of Indian schools, salary	3,000 00	3,500 00	3,000 00	3,000 00
Superintendent of Indian schools, traveling expenses	1,500 00	1,000 00	1,000 00	1,000 00
Expenses of superintendents and teachers in holding conferences with superintendents of schools		1,500 00		
Buildings at agencies and repairs	35,000 00	25,000 00	25,000 00	25,000 00
Contingencies of the Indian service	40,000 00	40,000 00	40,000 00	40,000 00
Expenses of Indian commission	3,000 00	3,000 00	3,000 00	3,000 00
Total current and contingent expenses	219,800 00	216,800 00	209,300 00	208,900 00
Fulfilling treaties with Indian tribes.				
Apaches, Kiowas, and Comanches	49,000 00	50,000 00	49,000 00	49,000 00
Cheyennes and Arapahoes	37,500 00	38,500 00	38,500 00	38,500 00
Chickasaws	3,000 00	3,000 00	3,000 00	3,000 00
Chippewas of Boisé Fort band	14,100 00			
Chippewas of the Mississippi	5,000 00	5,000 00	5,000 00	4,500 00
Chippewas, Pillagers, and Lake Winnebago bands	22,666 66	22,666 66	22,666 66	22,666 66
Choctaws	82,157 89	30,032 89	29,432 89	29,432 89
Columbias and Colvilles	7,544 70	7,100 00	7,100 00	7,100 00
Creeks	110,973 30	69,968 40	69,968 40	69,968 40
Crows	132,500 00	130,000 00	122,500 00	112,500 00
Iowas	2,875 00	2,875 00	2,875 00	2,875 00
Kansas	10,000 00	10,000 00	10,000 00	10,000 00
Kickapoos	9,493 24	11,097 98	11,097 98	6,097 98
Klamaths and Modocs	6,100 00	1,000 00	1,000 00	1,000 00
Miamies of Kansas	1,768 29	1,768 29	1,768 29	1,768 29
Miamies of Eel River	1,100 00	1,100 00	1,100 00	1,100 00
Moleis	3,000 00	3,000 00	3,000 00	3,000 00
Nez Percés	3,500 00	6,000 00	5,000 00	3,500 00
Northern Cheyennes and Arapahoes	46,000 00	56,000 00	51,000 00	51,000 00
Omahas	10,000 00	10,000 00	10,000 00	10,000 00
Osages	3,456 00	3,456 00	3,456 00	3,456 00
Otoes and Missourias	5,000 00	5,000 00	5,000 00	5,000 00
Pawnees	47,300 00	49,900 00	47,000 00	47,100 00
Poncas	34,000 00	33,000 00	31,000 00	28,000 00
Pottawatomies	20,647 65	20,647 65	20,647 65	20,647 65
Pottawatomies of Huron	400 00	400 00	400 00	400 00
Quapaws	1,500 00	1,500 00	1,500 00	1,500 00
Sacs and Foxes of the Mississippi	51,000 00	51,000 00	51,000 00	51,000 00
Sacs and Foxes of the Missouri	8,070 00	8,070 00	8,070 00	8,070 00
Seminoles	28,500 00	28,500 00	28,500 00	28,500 00
Senecas	3,690 00	3,690 00	3,690 00	3,690 00
Senecas of New York	11,902 50	11,902 50	11,902 50	11,902 50
Shawnees	5,000 00	5,000 00	5,000 00	5,000 00
Shawnees, Eastern	1,030 00	1,030 00	1,030 00	1,030 00
Shoshones and Bannocks	25,800 00	27,937 00	26,000 00	26,000 00
Six Nations of New York	4,500 00	4,500 00	4,500 00	4,500 00

: statement showing appropriations for the Indian Department, &c.—Continued.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate Committee, 1887.
ties with Indian tribes—Cont'd.				
ent tribes	$1,597,300 00	$1,823,900 00	$1,578,900 00	$1,518,900 00
on tribe of	65,000 00	65,000 00	60,000 00	60,000 00
rated bands of	63,740 00	73,740 00	73,740 00	73,740 00
	4,000 00	4,000 00	4,000 00	4,000 00
	44,162 47	44,162 47	44,162 47	44,162 47
lfilling treaties	2,584,277 70	2,725,444 84	2,453,607 84	2,373,607 84
cellaneous supports.				
eyennes, Apaches, Kiowas, &c	375,000 00	350,000 00	325,000 00	325,000 00
ros Ventres, and Mandans	40,000 00	40,000 00	40,000 00	40,000 00
in Montana	30,000 00	30,000 00	30,000 00	30,000 00
ods, and Piegans	80,000 00	80,000 00	80,000 00	80,000 00
Lake Superior	10,000 00	10,000 00	5,000 00	5,000 00
Red Lake and Pembina tribe	10,000 00	10,000 00	10,000 00	10,000 00
White Earth Reservation	10,000 00	12,000 00	10,000 00	10,000 00
urtle Mountain band	5,000 00	7,000 00	7,000 00	7,000 00
tribes and bands in Middle	6,000 00	6,000 00	6,000 00	6,000 00
d other tribes in Washington	7,000 00	7,500 00	7,000 00	7,000 00
rloe's band	18,000 00	16,000 00	16,000 00	16,000 00
other confederated tribes	11,000 00	11,000 00	10,000 00	10,000 00
in Montana	30,000 00	30,000 00	30,000 00	30,000 00
rizona	(a)	10,000 00	5,000 00	5,000 00
other Indians in Arizona and	270,000 00	260,000 00	210,000 00	210,000 00
of Indians in Indian Territory		10,000 00		
rt Peck Agency	90,000 00	90,000 00	90,000 00	90,000 00
rt Hall Reservation	17,000 00	20,000 00	18,000 00	17,000 00
nhi Agency	15,000 00	17,000 00	16,800 00	15,000 00
math Agency	5,000 00	7,500 00	5,000 00	b 5,000 00
s	2,500 00	4,000 00	2,500 00	2,500 00
Indian Territory				5,000 00
	4,000 00	5,000 00	4,000 00	4,000 00
	4,000 00	4,000 00	4,000 00	4,000 00
Indian Territory	5,000 00	5,000 00	5,000 00	3,000 00
	(c)	25,000 00	(c)	(c)
Joseph's band	18,000 00	20,000 00	18,000 00	18,000 00
Idaho	7,500 00	6,500 00	6,500 00	6,500 00
d Quil-leh-utes	4,000 00	4,000 00	4,000 00	4,000 00
Wyoming	12,000 00	20,000 00	19,000 00	12,000 00
Nevada	8,000 00	8,000 00	12,000 00	8,000 00
Traverse	8,000 00	8,000 00	8,000 00	5,000 00
's Lake	8,000 00	8,000 00	8,000 00	5,000 00
	4,000 00	4,000 00	4,000 00	4,000 00
	3,500 00	7,500 00	5,000 00	5,000 00
Cayuse, and Umatilla tribes	6,500 00	6,500 00	6,500 00	6,500 00
other Indians	15,000 00	14,000 00	14,000 00	14,000 00
l and necessities of life in cases y	50,000 00			
iscellaneous supports	1,189,000 00	1,173,500 00	1,041,300 00	1,024,500 00
ental expenses, Indian service.				
	20,000 00	25,000 00	20,000 00	20,000 00
	26,000 00	28,000 00	26,000 00	26,000 00
	1,500 00	1,500 00	1,500 00	1,500 00
	8,000 00	8,000 00	8,000 00	5,000 00
	3,800 00	3,800 00	1,000 00	1,000 00
	5,000 00	5,000 00	5,000 00	4,000 00
	22,000 00	27,500 00	22,500 00	22,500 00
o	5,000 00	10,000 00	5,000 00	5,000 00
	16,000 00	20,000 00	16,000 00	16,000 00
	10,000 00	13,000 00	10,000 10	10,000 00
n	16,000 00	17,000 00	16,000 00	16,000 00
	1,000 00	1,000 00	1,000 00	1,000 00
eneral incidental expenses	134,300 00	159,800 00	132,000 00	128,000 00

Iualpais in Arizona there was appropriated for 1886 the unexpended balance of the for same for 1885.
ed from amount for Kickapoos under heading "Fulfilling treaties," &c.
avajoes the act for 1886 appropriated $25,000; this bill as passed the House appropriates reported to Senate $10,000, these several sums being payable from the funds of said Inreasury of the United States.

Comparative statement showing appropriations for the Indian Department, &c.—Cont

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Ser Comm 18
Miscellaneous.				
For the employment of practical farmers to aid Indians in farming	$25,000 00	$40,000 00	$35,000 00	$50
Pay of Indian police	83,400 00	90,000 00	90,000 00	85
Vaccination of Indians	1,000 00	1,000 00	1,000 00	1
Telegraphing and purchasing Indian supplies	35,000 00	40,000 00	40,000 00	40
Transportation of Indian supplies	275,000 00	275,000 00	250,000 00	250
Purchase of stock cattle or sheep for Indian tribes	.....	25,000 00	.....	.....
Survey of Indian reservations	.....	25,000 00	25,000 00	25
To aid Indians to receive benefits of the homestead act	5,000 00	5,000 00	5,000 00	5
To pay expenses of visit of Turtle Mountain Indians to Washington	500 00	.....	.....	.....
For prevention of liquor traffic on Indian reservations	.....	2,000 00	.....	2
Construction of bridges over mail-routes through Omaha and Winnebago reservations	.....	1,200 00	.....	.....
Construction of irrigating ditches	.....	10,000 00	.....	.....
Removal of White Oak Point and Mille Lac bands of Chippewas to White Earth Reservation	.....	25,000 00	.....	.....
To open negotiations with the Chippewas of Minnesota	.....	.....	10,000 00	
To open negotiations with the Chippewas of Minnesota, Indians of Northern Montana, Spokanes and Pend d'Orielles, of Washington Territory	.....	.....	.....	10
Removal of Upper and Middle bands of Spokane Indians to Colville Reservation	.....	6,000 00	6,000 00	
To open negotiations with the Creeks, Seminoles, and Cherokees, respecting unassigned lands in the Indian Territory	5,000 00	.....	.....	.....
Investigation of Indian depredation claims	10,000 00	.....	.....	10
To pay the Delaware Indians value of certain lands	.....	.....	.....	14
Total miscellaneous	439,900 00	545,200 00	462,000 00	492
Indian schools.				
Indian day and industrial schools	530,000 00			
Construction and repair of school buildings	40,000 00	700,000 00	677,500 00	740
Purchase of horses, cattle, &c., for schools	25,000 00			
Support of Indian pupils at Saint Ignatius' school, Montana	22,500 00	22,500 00	22,500 00	22
Indian school at Albuquerque, N. Mex	.....	35,000 00	.....	.....
Industrial schools in Alaska	20,000 00	15,000 00	15,000 00	15
Industrial school at Carlisle, Pa	81,000 00	81,000 00	80,000 00	81
Industrial school at Chilocco, Ind. T. (formerly near Arkansas City)	34,125 00	36,125 00	34,125 00	34
Industrial school at Genoa, Nebr	29,750 00	31,750 00	29,750 00	29
Industrial school at Lawrence, Kans	66,250 00	68,000 00	68,000 00	126
Industrial school at Salem, Oreg. (formerly Forest Grove)	46,500 00	40,000 00	41,500 00	41
Support of Indian pupils at Hampton school, Virginia	20,040 00	20,040 00	20,040 00	20
Support of Indian pupils at Lincoln Institution, Philadelphia	33,400 00	30,060 00	33,400 00	33
Support of Indian pupils at schools in the States	83,500 00	50,100 00	50,100 00	50
Establishing industrial school at Santa Fé, N. Mex	25,000 00	.....	.....	.....
Erection of buildings for Indian school near Grand Junction, Colo	*d* 15,000 00	.....	.....	.....
Transportation of Indian pupils	28,000 00	30,000 00	28,000 00	28
Total Indian schools	1,100,065 00	1,159,575 00	1,099,915 00	1,221
Interest on trust-fund stocks	95,170 00	94,940 00	94,940 00	94
Total for the Indian Department	5,762,512 70	6,075,259 84	5,493,062 84	5,544

d In addition to this amount the sum of $8,000 heretofore appropriated was made available erection of school buildings near Grand Junction, Colo.

Comparative statement showing appropriations for the Indian Department, &c.—Continued.

RECAPITULATION.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate Committee, 1887.
Current and contingent expenses	$219,800 00	$216,800 00	$209,300 00	$208,900 00
Fulfilling treaties with Indian tribes	2,584,277 70	2,725,444 84	2,453,607 84	2,373,607 84
Miscellaneous supports	1,189,000 00	1,173,500 00	1,041,300 00	1,024,500 00
General incidental expenses, Indian service	134,300 00	159,800 00	132,000 00	128,000 00
Miscellaneous	439,900 00	545,200 00	462,000 00	492,720 00
Indian schools	1,100,065 00	1,159,575 00	1,099,915 00	1,221,415 00
Interest on trust-fund stocks	95,170 00	94,940 00	94,940 00	94,940 00
Total, Indian department	5,762,512 70	6,075,259 84	5,493,062 84	5,544,082 84

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 429.

IN THE SENATE OF THE UNITED STATES.

APRIL 9, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany petition in behalf of the heirs of David J. Strunk.]

The Committee on Pensions, to whom was referred the petition of J. B. Morrison and ten other members of Allen W. Miller Post, No. 328, Grand Army of the Republic, and other citizens of Iowa, praying for the passage of an act granting a pension to the heirs of David J. Strunk, have examined the same, and report:

The petitioners represent that the heirs of David J. Strunk, late a private of Company G, Second Iowa Volunteers, should receive a pension until the age of sixteen. They made claim at the Pension Office, but this application was rejected on the ground that the injuries which occasioned the soldier's death were not received in the line of duty, but were received while resisting a provost-marshal's guard. It is unnecessary to go into an investigation of this matter, as it appears from the record that the youngest child is now twenty-five years of age. None of them, therefore, come within the scope of the pension laws. The mother is dead. There is no evidence that the children are any of them idiotic, insane, or otherwise disabled from earning a livelihood, for which reasons in some cases pensions have been continued to children beyond the period of their minority. This committee has uniformly, it is believed, refused to grant arrears by special act, and therefore there remains no period for which these children could receive anything. We therefore recommend that the petition lie on the table.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 430.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2740.]

The Committee on Pensions, to whom was referred the bill (H. R. 2740) for the relief of Norman S. Bull, have examined the same, and report:

Your committee have made a thorough investigation of the facts of this case, and believe the case is a meritorious one. We therefore adopt the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 257), and recommend the passage of the bill.

Said Norman B. Bull enlisted and was mustered into the service of the United States July 16, 1861, in the Sixth Regiment of Wisconsin Volunteers, and was sergeant of Company C, of said regiment. He was wounded in the head or face by a gunshot wound at the battle of the Wilderness, on May 6, 1864, while in the line of duty. The ball entered the left side of his face, passing out upon the other side. The teeth, palate, and nearly or quite all the bones of his jaw were carried away. By reason of this wound he is wholly unable to masticate food; his food has all to be prepared especially for him in a fluid or liquid condition or he cannot swallow the same. When he went into the Army, and up to the time of receiving this wound, he was a healthy, strong man. The continuous suffering from this wound, and the necessity for taking liquid food only, without mastication, has made him very feeble, and, in fact, for many years little better than a skeleton. The fact that he cannot eat or use food as ordinarily prepared, and the necessity of having a special kind of food, and having it prepared for him in a special manner, entails upon him a great deal of extra expense, amounting nearly, if not quite, to the expense of the regular aid and attendance of another person, which expense he is unable properly to meet, being a poor man and in a very feeble condition of health. He is now receiving a pension of $31.25 per month, but the pension law does not appear to fully cover a case like this; so his application for an increase has been denied.

There are but few cases in existence like this of loss of jaw, palate, &c., and in some of these cases, by special act, Congress has granted the same pension as is granted by the general law to persons totally disabled, and requiring the regular aid and attendance of another person, which is $50 per month.

The facts in this case being fully substantiated by the papers in the case on file in the Pension Office, and by the proofs accompanying this report, your committee deem it a case in which relief should be granted, and we therefore recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 431.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1109.]

The Committee on Pensions, to whom was referred the bill (H. R. 1109) granting a pension to John H. Barry, have examined the same, and report:

The report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 322) states the facts of this case in detail.

Your committee, having carefully examined the same, adopt the report and recommend the passage of the bill.

John H. Barry, enlisted as a private, in the Fourth Massachusetts Independent Battery, October 7, 1864, and was afterward transferred to the Thirteenth Massachusetts Light Battery; discharged July 28, 1865. His application for pension was filed April 2, 1879, alleging "disability from rheumatism which became chronic from exposure and hardship." His claim was rejected January 13, 1883, on the ground that there was no record of "alleged rheumatism, and claimant's inability to furnish testimony of surgeon or assistant surgeon showing treatment in service, or medical evidence showing treatment at discharge."

The evidence in the case is as follows:

Lieut. George N. Jenkens, Fourth Massachusetts Battery, certifies claimant joined Fourth Battery at Memphis, Tenn., some time in December, 1864, and that at that time, and while in said battery, he was to all appearance a sound and healthy man, free from all bodily ailments, and remained so until he was transferred, some time in the winter of 1865, to the Thirteenth Massachusetts Battery.

Garrett Lemmons and John W. Hart, of Salem, Mass., certify to knowing claimant from boyhood, and know that at time of enlistment he was a sound, able-bodied man, and apparently free from all disease.

Comrades William A. Silver and John H. Marshall certify that—

"While in service at Greenville, La., in winter of 1864-'65, to our personal knowledge claimant contracted disease of rheumatism, and was incapacitated from duty thereby on several occasions; was sent to brigade hospital, and was confined there because of said disease; that the cause of the disease was the swampy condition of the place where we did duty and the frequent heavy rains at that time; that we have been intimate with claimant since discharge, and have known that he has suffered since then and is at the present time suffering from said disease."

The record of the Fourth Battery is not filed in the office of Surgeon-General.

Surgeon W. W. Hipolite says, in reply to an office letter of November 3, 1882:

"Have no record or recollection of having treated claimant; was in charge of reserve artillery, including Fourth Massachusetts Battery, in January and February, 1865; may or may not have treated him during said time."

David Choat, M. D., Salem, testifies:

"In September, 1866, attended claimant through an acute illness of some two weeks' duration, the nature of which was rheumatism. It is my present impression that I then expressed an opinion that the sickness from which he was then suffering was

connected more or less directly with his exposure to malarious influenc service."

Henry J. Gaffney, M. D., Salem, testifies as follows:

"Attended claimant during months of September, October, December, May, June, September, October, and November, 1873; he was suffering fr rheumatism."

The papers in this case show that claimant has almost constantly suffer disability for which he claims pension. Since his discharge he has sougl change of climate, &c., having visited California; had visited the Grand fishing vessel; had been to the hot springs in Gilroy, Colo.; had also, on his disease, been compelled to enter the Soldiers' Home at Milwaukee, and was compelled for about six months to use crutches; that through his lon manent sickness he has been at last compelled to enter the National Hom Me., where he now is, for the sake of the advantages it gives for subsi treatment.

Drs. Pierson, of Salem, and Drew, of Woburn, Mass., who treated him i upon his return from the Army, being dead, he cannot furnish their evide

The report of the medical examining board of Boston, Mass., June 25, 1 with appended.

"General appearance healthy, but all motions in walking are stiff and a from impairment of motion of hips; no enlargement from joints to be dete complains of much pain in hips, buttocks, and in region of heart; heart's mal, though its sounds are not very clear. He states he has been kept three-fourths of the time the past year on account of rheumatism. If of A and from our examination we should rate "total," but collateral testimon rant higher rating."

In view of all the facts in this case your committee are of opinion that ant has a strong claim upon the Government for relief, and they do there mend the passage of the accompanying bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 432.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2161.]

The Committee on Pensions, to whom was referred the bill (H. R. 2161) granting a pension to Andrew J. Putnam, have examined the same, and report:

The report of the special examiner recommending the admission of this claim is set forth in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 281), and would seem to have been sufficient. There is other evidence, and your committee adopt the annexed report and recommend that the bill do pass.

Claimant was enrolled March 1, 1864, as a member of Company A, One hundred and eighty-seventh Regiment Pennsylvania Volunteers, and honorably discharged on the 3d of August, 1865.

Enos W. Barnes, special examiner, reports as follows:

"Claimant says he received an injury in service and line of duty on or about August 20, 1864, from which he has since been disabled. A 'remark' opposite his name on the case-book of G. H. at York, Pa., in the spring of 1864, shows him to have been admitted there for 'chronic nephritis,' having sustained an injury to his back by a log rolling upon or against him about one year previous to his enlistment. The claim had been rejected upon the strength of this 'record,' but was subsequently reopened. The chief object of the special examination was to ascertain the facts as to claimant's physical condition at and immediately prior to his enlistment. To this end I pushed an earnest and careful inquiry. The absence of the medical evidence as to his condition at return from service is to be regretted, and prevents a 'thorough' rating of the investigation; still I think a careful analysis of the testimony herewith submitted will satisfy the Board of Review and the honorable Commissioner that the claim is a meritorious one. The claimant denies in straightforward terms the correctness of the adverse hospital record at York, Pa. No evidence could be found by me to shake the force of claimant's denial. He claims to have been, with others, detained there unreasonably and without just cause, and they even formed plans for 'escape' so as to get to the front for active duty. Arriving at 'the front,' claimant entered heartily into heavy work, and continued it until August 20 or 21, when he alleges incurrence of injury for which he claims pension. Claimant's denial of ever having received an injury to back from a log prior to enlistment is firmly supported by the sworn statement of his wife, who is an intelligent, conscientious, Christian woman, and gave her testimony without knowing what 'the trouble' was or what hindered her husband's claim for pension. Her evidence is interesting, and is believed by the special examiner to be both competent and trustworthy. The testimony of every witness examined agrees that claimant was rugged at and prior to enlistment, and that they never knew or heard of his having been hurt by a log, or otherwise injured 'about a year,' or at any other time, previous to enlistment. Upon this point I pushed inquiry faithfully, and far beyond anything shown in the evi-

dence, but could get no adverse hint or light. Had the York Hospital record been true, I feel certain it could have been verified, at least in part. Martin N. Davis, a neighbor, worked in that same saw-mill up to within eight months of claimant's enlistment. He 'dreaded' claimant as a rival sawyer on account of his energy and activity at that heavy work. If Martin Davis is right, and he takes his dates from entries in his account-books of that ante-bellum period, the adverse hospital record is in error so far as it relates to claimant. Mr. Davis is an intelligent and worthy citizen, and his testimony was given guardedly; it is worthy of careful consideration. I am persuaded that the adverse hospital record at York, Pa., is unjust as to claimant. There is much evidence to support my theory, and none to the contrary. Being so persuaded, I recommend that the claim be admitted."

James C. Criner "worked hard with claimant before the war," and he was then considered as "rugged a man" as possible. Claimant tried to work in a saw-mill after the war, but was unable to do so; also "not able to perform manual labor since."

James Campbell, neighbor, says:

"He has known claimant since a boy; he worked for deponent on farm in 1862, and many times previously. He was then a stout, healthy man; did not ask for a better workman."

Lieutenant Culver, of Company A, One hundred and eighty-seventh Regiment Pennsylvania Volunteers, says:

"He knew claimant prior to enlistment a few years; when he left he was in good health and strength. He was marked as a model, willing, and earnest worker."

The evidence as to "rugged health" of claimant is as strong as it could possibly be, and is given by his neighbors and companions, who all knew him well and worked in his company. They testify uniformly as to his being a "rugged and healthy man." It is also testified that as a worker he was notorious in his company, so that his captain on one occasion endeavored to moderate his zeal, and said to him, "You do the work of two men." This state of "rugged health" and hard work on part of claimant continued until the 19th or 20th of August, 1864, when, while under arms near Petersburg, Va., and in night-time, he was knocked down suddenly, as is supposed, from the effects of a bursting shell. He was stunned and unable to get up without help; his captain assisted him to his feet; his gun-stock was shattered to pieces. He was not able to go on with his regiment next day on account of injury to back and severe pain caused thereby. Your committee will continue the statement of this gallant soldier in his own words:

"Captain Hart thought I would have to go to the hospital at once, but I begged not to go, thinking I would get better. I did get some better after a few days and tried to do duty, but I found I could not stand it, and after a couple of weeks or so I gave up and went to hospital. Before I went, and after I was hurt by shell, I was taken with piles and have never been free from them since. I have had continuous trouble from my back ever since."

The committee does not think it necessary to enlarge upon the testimony as to the character and services of this hard-working and plucky soldier, and it seems to them hard that a mere hospital "note" attached to his name in the records at York, Pa., where he had gone to be treated for diarrhea, and where he was detained longer than he thought necessary and against his protestations, should be instrumental in keeping claimant for so long a time from the reception of his well-merited pension. As regards the amount of disability the evidence is equally strong and to the point. After his discharge he learned the trade of harness-making, in the expectation that he would be able to pursue it and earn his living; but he found that he was mistaken, his injury even preventing his laboring at that. His wife testifies that she herself does all the hard work of the farm, with occasional hired help, and that her husband is frequently unable to do even the chores. Frequently, also, he is confined to his bed for weeks at a time.

In view of this statement of well-established facts, your committee unanimously and earnestly recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 433.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1032.]

The Committee on Pensions, to whom was referred the bill (H.R. 1032) granting a pension to Josiah B. Suell, have examined the same, and report:

Your committee adopt the report of the House Committee on Invalid Pensions (House Report No. 286) and recommend the passage of the bill.

Josiah B. Suell filed a claim for pension as dependent father of Alonzo W. Suell, late a private in Company G, Thirtieth Regiment Maine Volunteers, who died at New Orleans, La., of chronic diarrhea, April 13, 1864. Claim was rejected upon ground that claimant was able to support himself at the time of soldier's death; was but forty-seven years old in 1864, and found to be only one-fourth disabled in 1881.

The petition of claimant to Congress sets forth at considerable length—

"That he was dependent upon said son for support, and that his labor up to the time of his enlistment went wholly for the support of himself and family; and that when he enlisted he paid over to him, the said Josiah B. Suell, the amount received as bounty, which he used for the benefit of himself and family. * * * That at the time of the enlistment of said Alonzo W. he was in possession of a small piece of land situated in Mercer, * * * but he never had a deed of the land for the reason that he never paid for the same. The amount agreed to be paid for said land was $225."

Claimant further sets forth, in substance, that he was exempted from taxation by the town on account of his poverty several years, about the time of his son's enlistment, and that he is at present badly crippled by rheumatism and by bone sores in his arm and leg, from which large pieces of bone have from time to time come. The following points are fully established by the evidence on file in the Pension Office:

By C. H. Allen and C. N. Wood, assessors of Mercer, that the amount of real estate taxed against Josiah B. Suell from 1861 to 1865, inclusive, was $120 each year.

By W. M. Higgins and Anthony Brackett, assessors, 1881, that on account of said Suell's infirmity and poverty the taxes assessed against him in 1874 were abated by vote of the town, and also in subsequent years.

By five different affiants, neighbors, that at time of son's enlistment in 1864 claimant was a poor man; wife sick with consumption; needed all the help his son could give him; said son was faithful to his parents; father received pay for son's labor in provisions for use of the family; son worked for them on their farms, and they paid the father for such service.

By Charles H. Allen, selectman, that claimant, as shown by town records, received $273 State aid in 1864 and 1865.

By several witnesses, showing soldier's contributions to the support of his parents.

Claimant's crippled physical condition is also fully established. Dr. Hiram R. Corson, of New Sharon, Me., states he was called to see Josiah B. Suell April 21, 1884, and found him totally disabled.

"His disability was caused by disease of bone of right arm, causing severe swelling and inflammation of the entire arm and hand. Have examined him since above date, and find varicose veins of both legs, the abdomen and left groin, some of the veins being very large. His right shoulder is deformed, apparently the result of an injury. I believe said Suell is now-able to perform about one-third or one-fourth of a man's work."

The report of G. A. Wilbur, examining physician, made October 20, 1881, shows substantially the same physical disability.

The committee recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 434.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1104.]

The Committee on Pensions, to whom was referred the bill (H. R. 1104) granting a pension to Elizabeth Sullivan, have examined the same, and report:

The facts of this case are fairly stated in the report of the House Committee on Invalid Pensions (House Report No. 321), which your committee adopt, and recommend the passage of the bill.

Elizabeth Sullivan is the widow of John Sullivan, late private in Company H, Third Massachusetts Cavalry. The husband of claimant was pensioned for disease of eyes, and at the time of his death, September 20, 1873, was receiving pension at the rate of $24 per month. The widow filed a claim for a pension June 14, 1882, which was rejected June 2, 1884, on the ground that soldier's fatal disease, "erysipelas," did not originate in the service.

The evidence in the case shows that the soldier contracted disease of eyes at Port Hudson, La., in 1863, beginning by being what the soldiers used to call "moon-blind"; that is, in lying with the moon shining in the face while sleeping, the effect was to produce partial or total blindness after dark. The evidence clearly establishes the sequence upon which soldier's pension was based, and was such as to result in total disability, rendering him incapable for any manual labor.

The evidence in support of the widow's claim shows that he suffered from fever and ague as well as disease of eyes, for which pensioned, which finally affected his brain and head, a tumor appearing upon the back of his head, erysipelas ensued, and the soldier died.

Dr. James A. McDonald, of Boston, Mass., testifies "he had known soldier for sixteen years; that he attended him professionally during his last sickness. He was not in full possession of his mental faculties since he left the Army, which he said was caused by moon-stroke, and which prevented him from doing any work since his discharge. Attended him for a tumor on the back of his head, which developed into erysipelas, causing death; that he believed his disability caused the tumor which developed finally into erysipelas, causing death."

W. T. Lemon and James S. Palmer testify:

"Soldier came home nearly blind, gradually grew worse, and that a number of years previous to his death he became a helpless invalid, becoming so bad in his eyes and head that it affected his brain, requiring constant watching and attendance."

Alice Lemon, Elizabeth Palmer, and D. R. Hanmell testify that—

"When the soldier came home he was not able to do any work—that he was moon-blind, and out of his head at times."

In this case the presumption is strong that the soldier's death was attributable to the service. He entered the service well and strong, with no disease about him; he came home and was pensioned for disabilities which had weakened his brain and undermined his constitution, which would seem in effect to make him more susceptible to the erysipelas which finally intervened and carried him off.

The widow is seventy-four years old, poor and unable to care for herself.

Your committee think that in her few remaining days she should have the assistance of the Government, and therefore recommend the passage of the accompanying bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 435.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1472.]

The Committee on Pensions, to whom was referred the bill (H. R. 1472) granting a pension to Mary Murphy, have examined the same, and report:

Your committee have carefully examined the evidence in this case, and agree with the conclusions reached in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 148), and adopt the same, recommending the passage of the bill.

There is abundant evidence in this case that prior to Murphy's enlistment he was a sound, able-bodied man, commanding first-class wages as a farm laborer, and that upon his return from the service he was very much emaciated and enfeebled, a physical wreck, for a long time able to perform but little labor, and never recovered his health and strength. The testimony of Joseph H. Thrasher, captain of Murphy's company, corroborated by that of Private Charles A. C. Gray and Sergeant Edwin J. Hobbs, shows that while the company was stationed at Fort Benton, on the Atchafalaya River, amid peculiarly unhealthy surroundings, which prostrated nearly the entire company, Murphy contracted chronic diarrhea, and was unable to perform military duty of any kind from the incurrence of the disease, in July 1863, to the time of his discharge, August 20, 1863. The claimant was unable to furnish medical evidence of soldier's condition at and after discharge, owing to the death of his attendant physician, Dr. George Odell, but there is a great quantity of lay evidence showing that he was a broken-down man until the time of his death.

His death occurred December 15, 1873, the immediate cause being, as certified by Charles C. Odlin, M. D., who attended him only in his last sickness, "pneumonia, complicated by heart trouble which had probably existed for a time before his last sickness." The failure to pathologically connect his final sickness and death with the disability undoubtedly contracted in the Army and existent at the time of death led to the rejection of the widow's claim. But the evidence is so conclusive as to his broken-down condition following his service that we think his destitute widow should be allowed the benefit of the doubt, if any exists, and the committee accordingly recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 436.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1198.]

The Committee on Pensions, to whom was referred the bill (R. R. 1198) granting a pension to Louis Abear, have examined the same, and report:

The facts in this case are set forth in the report of the House Committee on Invalid Pensions (House Report No. 254), which your committee adopt, and recommend the passage of the bill.

That said Louis Abear enlisted in the Fifth Michigan Cavalry, Company H, at Detroit, September 5, 1862, and served to the close of the war, and was honorably discharged at Camp Chase, April 28, 1865.

It appears that he was a brave and faithful soldier, and served continuously with his regiment and company till June 9, 1864, when he was captured in a fight at Trevilian Station, Va., and was held a prisoner in Andersonville and other Southern prisons till the close of the war, when he was sent North and discharged by general order, with no apparent disability, for which reason and the further one that he is entirely illiterate, he has made no application heretofore for a pension. He is now, at the age of fifty-one years, suffering from chronic catarrh and rheumatism, as appears by the affidavit of George R. Richards, M. D., surgeon Seventh Michigan Cavalry, in the same brigade (Custer's) with the Fifth, to the extent of disabling him from labor very much of the time. Said surgeon says that when he knew him in the Army he was a man of large size, of immense strength and endurance. That in his opinion his present condition is owing to his long imprisonment and sufferings consequent thereon. That said soldier is now but a wreck of his former self.

Henry Starkey testifies that he is now secretary of the Detroit board of water commissioners; that he was lieutenant in Company H, Fifth Michigan Cavalry; that he knew Louis Abear, a private in said company, and has known him since his return from the Army. He testifies as to his present disability and emaciated condition from chronic disease; also to his extraordinary strength and powers of endurance as a soldier, and his uniform good conduct and bravery while with the company, and his honesty and good reputation as a citizen, and also his entire lack of education.

Another affidavit in the case (that of Samuel T. Hendricks, of Wyandotte, Mich.) is confirmatory of the kind heart, nay, chivalry, of this strong, though rough and unlettered soldier. This affidavit says that his brother, Henry C. Hendricks, now dead, together with Louis Abear, was prisoner of war in Millen, Ga.; that his brother was sick, and by reason of scurvey and disease, a mere skeleton, and likely to die; that in drawing for exchange Abear was selected, but being a friend he relinquished to his brother his chance of exchange, and allowed him to come home to his family; that he frequently before and on his death-bed heard him say that but for Abear he would never have lived to see home, and expressed a desire to in some way see him rewarded.

It would seem to your committee that the only reason this soldier is not now on pension-roll is because of his neglect to make application therefor. The testin of the surgeon leaves no doubt as to his present debilitated condition, nor as t robust health and strength while in the service; neither do we think there is n room for doubt that prison life and fare for ten months, such as was given to priv at Andersonville and other Southern prisons, was the foundation of his present bility. We therefore recommend the passage of the bill with an amendment: St out all after "Department," in the seventh line.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 437.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 802.]

The Committee on Pensions, to whom was referred the bill (H. R. 802) granting a pension to August Schindler, have examined the same and report:

The evidence in this case is fully stated in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 50), and the conclusions there reached are approved by your committee. We therefore recommend that the bill do pass.

We find that claimant enlisted August 30, 1864, in Company A, One hundred and ninety-eighth Pennsylvania Volunteers, and was mustered out June 4, 1865. March 24, 1880, he made application for a pension, "alleging that in December, 1864, he caught cold, resulting in diabetes." This application was rejected in 1882, on the ground that there was no record of the alleged disability and the claimant was unable to furnish satisfactory proof of its origin in service. In the first session of the Forty-eighth Congress a bill was referred to this committee, upon which an adverse report was made on account of the lack of evidence to sustain the claim. Additional affidavits have been since filed which very materially strengthen the case. Edwin A. Kratz, of the same company, testifies:

"He and I were tent-mates, and marched together in camp and field, and fought side by side, from the middle of August, 1864, till March 29, 1865; that he appeared to be sound and healthy, and I believed him to be so (except being near-sighted, necessitating the wearing of glasses) until early in December, 1864, when, on General Warren's raid down the Weldon Railroad (our regiment being in the Fifth Corps), and after marching through the rain and mud a day or two, he commenced complaining of his back giving out, and we two dropped to the rear near the evening of the second or third day, but caught up again the next day. For several days after the raid, and at intervals afterwards, he was troubled with pains in the small of his back. After the Hatcher's Run fight, in February, 1865, the pains were so severe that he was scarcely able to perform camp duty, and I noticed that his urine was of very high color, and had to be voided frequently. Rubbing his back seemed to give temporary relief, which I did for him, especially after exposure to wet weather, and after coming off of picket duty, during February and March, 1865."

John Sheridan testifies that he was sergeant of Company A, One hundred and ninety-eighth Pennsylvania Volunteers, and was well acquainted with claimant; that claimant, after several days of exposure, complained of pains in his back and limbs, and that he took him to the regimental surgeon, who gave him medicine, saying he was exhausted and ought to have rest; that deponent was absent from the company for about thirty days, and when he returned he found claimant still debilitated and unfit for duty, and he remained so until he was discharged, and that he continued under the treatment of the surgeon. He further says that "claimant was as brave a soldier as I ever met." Godfried H. Vogt says he knew claim-

ant for years before he enlisted as a hale, hearty man, and that upon his arr
home in 1865 he was a wreck of his former self, and complained of rheumatism
kidney disease. Joseph Hacker and Andrus Friedly testify that he was well w
he enlisted, and came home sick and continued so for two years and until he mc
away. Dr. A. Autony testifies to treating him for diabetes in 1869, and Drs
Ruttger and A. N. Breneman from 1874 to 1876. The examining surgeon at Garr
Kans., reports in 1882 that he is badly affected. He is now unable to do any n
nal labor, is very poor, with a large family to support.

Your committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 438.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2005.]

The Committee on Pensions, to whom was referred the bill (S. 2005) granting a pension to Mary J. Nottage, have examined the same, and report:

The claimant, Mary J. Nottage, is the widow of Thomas Nottage, late sergeant of Company F, Third New Hampshire Volunteers, No. 270,607. She made application at the Pension Office, but it was rejected on the ground that the cause of the death of the soldier was not a result of his military service.

It appears that the soldier enlisted August, 15, 1861, and served until discharged, September 17, 1862. He died January 8, 1879, and the widow applied June 24, 1880.

The record in the Adjutant-General's Office states that he was "discharged for disability," and his certificate of discharge for disability is on file, showing in detail his condition at that time. The certificate of his attending physician, that he died of "consumption," is also on file.

E. P. Emerson, general agent of the New England Life Insurance Company, testifies that an examination was made July, 1860, by Dr. James B. Greely, who reported that the soldier was of good constitution, and vital organs normal. He was insured in their company.

Dr. Josiah G. Graves testifies that he was soldier's family physician for many years before his enlistment; attended him in 1853 for lung fever, and his books show he made fourteen professional visits to him; has no knowledge of any other sickness up to the time of his enlistment, and his relations were such that if he had had any disease or disability he would have known it. So far as affiant knows, the soldier was a sound man when he enlisted, and had been since his illness in 1853.

The evidence of several comrades is on file, showing that he was sick in the service with malaria and kidney trouble, and became thin, pale, and weak.

Several witnesses testify to his condition since that time, as having worked with him and seen him constantly, and that he was during the whole time unfit for any hard manual labor, and remained so until he died; that during all those years he suffered a great deal; that he frequently kept about his business, although suffering with remittent fever and general debility; that he had piles, and became very weak and feeble, and had a cough ever after he came out of the service on the slightest exposure to cold.

Without detailing all the evidence, your committee state that they believe that it fairly establishes the fact that the soldier died from the results of his service. His system seems to have been shattered and never to have recovered; and it seems but fair to presume that the "consumption," which is stated to have been the final stage of his disease, was a legitimate result of the condition in which he left the service and afterwards continued. If there could be any doubt we feel disposed to give this widow the benefit of it, and therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 439.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1286.]

The Committee on Pensions, to whom was referred the bill (H. R. 1286) granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards, have examined the same, and report:

The evidence in support of this case is set forth in detail in the annexed report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 248), which your committee adopt, and recommend that the bill do pass.

Harvey H. Edwards, late husband of applicant, Angeline Bromaghin, enlisted as a private in Company C, Seventh Regiment Wisconsin Volunteers, on the 12th day of August, 1861, and was discharged January 16, 1863, on account of disabilities caused by a gunshot wound in his abdomen, received in battle at South Mountain, Maryland, September, 1862, causing tenderness of left groin and severe pain in the left crural vein, with partial paralysis of the limb. The ball could not be extracted; the prospect of recovery remote and uncertain. The foregoing is a part of the record in the case, as certified to by W. O. Riddenbold, commanding post.

The soldier died, after long and severe suffering, on April 9, 1873. His widow's claim for pension was rejected on the ground that the evidence did not satisfy the Pension Office that his death was caused by the result of the wound received in battle at South Mountain, Maryland.

The evidence of reputable and disinterested witnesses is abundant that prior to enlistment said Harvey H. Edwards was a healthy and robust, rugged man; that after his discharge he was in feeble health, and suffered severely from heart and lung trouble.

William A. Fields testifies that said Harvey H. Edwards was to all appearances sound and healthy at the date of his enlistment, and that after his discharge from the Army he complained of heart and lung trouble, and that he continued to suffer and complain until he died. In this he is corroborated by William Lamot and others.

Dr. E. L. Brownwell testifies that he examined the said Edwards some time after his discharge from the Army, and came to the conclusion that the condition of his heart and lungs was the result of the gunshot wound.

Edward T. Wade testifies that he first became acquainted with Harvey H. Edwards on the 11th of May, 1874; that at that time Edwards was able to walk but little; that he was troubled with palpitation of the heart, and the arteries of his neck would throb very violently at times. I have often seen him when in his shirt sleeves when I could see the action of his heart plainly through his shirt; his ears would assume a purplish cast. I knew that he suffered more than he would tell. He was a brave, proud-spirited fellow, and would not complain, but always said he wanted to paddle his own canoe. The physicians that treated said Edwards in hospital and immediately after his discharge are both dead.

Claimant was married to said Harvey H. Edwards on the 26th day of January, 1872. She has one child, an issue of said marriage. Claimant has cared for this child,

Agnes M. Edwards, unaided, the father dying when she was yet an infant. The widow subsequently married one Bromaghin. In view of all the circumstances of the case, your committee is of the opinion that the said soldier died from the effects of wound received in the line of duty, leaving an infant daughter, poor and dependent.

We therefore recommend that the name of "Angeline Bromaghin," in lines 5 and 6 of the bill, be stricken out, and insert "Agnes M. Edwards, infant daughter of said Harvey H. Edwards, and pay her a pension of $10 per month," and as so amended that the bill be passed, and that the title of the bill be changed so as to read, "Granting a pension to Agnes M. Edwards, infant daughter of Harvey H. Edwards."

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 440.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3452.]

The Committee on Pensions, to whom was referred the bill (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer, have examined the same, and report:

The main facts of this case are stated in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 291). Your committee adopt this report, and recommend the passage of the bill.

The following is the House report:

Samuel Sawyer was a pensioner at the rate of $4 per month by reason of disease of lungs contracted while in the military service as a private in Company K, Twenty-Third Regiment Massachusetts Volunteers. He died May 24, 1885, and widow's claim was rejected from evidence showing relation between cause of death and cause for which pension was claimed being insufficient under the rules of the Pension Office.

George E. Allen, M. D., of Auburn, N. H., makes affidavit as follows:

"I am a physician, and attended Samuel Sawyer, a pensioner, in his last illness, and the said Sawyer died in said Auburn on the 24th day of May, 1885, by reason of paralysis from tubercular meningitis, which, in my opinion, was induced by disease incurred in the service of the United States, and for which he was in receipt of a pension."

In response to a subsequent inquiry from the Pension Office, he says:

"My diagnosis was not in any way verified by an autopsy. In my opinion, some of the tuberculosis material was carried to the meninges of the brain, which caused the paralysis."

Dr. Allen's veracity and good reputation are vouched for by the postmaster of Auburn. While the evidence is not conclusive under the rules governing the Pension Office, it seems to be all that the circumstances of the soldier's death renders possible to procure. It is direct and explicit, and in equity should not be ignored to the widow's distress and disadvantage from a lack of cumulative evidence.

We recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 441.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1254.]

The Committee on Pensions, to whom was referred the bill (H. R. 1254) granting a pension to Mary Hoff, have examined the same, and report:

The facts in this case are fully set forth in the annexed report (House Report No. 246) made during the present session. Your committee adopt the same and recommend the passage of the bill.

There is no conflict in the evidence as to the disability of claimant's husband, who was a private in Company F, second Minnesota Volunteers, and wounded at Kenesaw Mountain, June 16, 1864; and at the time of his death was receiving a pension of $18 per month. Claimant's application rejected on the ground that the cause of the soldier's death was not due to his military service, but the result of an injury received subsequent to his discharge from the Army.

C. H. Robbins, M. D., testifies that he attended soldier twelve years previous to his last illness, May 30, 1879, when he died. Soldier was a pensioner for gunshot wound in the hip, in the immediate region of the sciatic nerve; extracted ball from hip about nine years ago. The wound was always painful; caused great nervous irritability before and after removal of ball. Several times before last sickness had strong symptoms of tetanus, the legitimate result of said wound. Any unusual excitement produced such symptoms. Before his last sickness he had a slight wound in his foot by a nail, which, with the predisposing cause of his wound, resulted in lockjaw, of which he died. Do not believe that the wound in the foot without the predisposing cause of gunshot wound would or could produce lockjaw.

Lafayette Redmon, M. D., testifies that he examined the soldier's wound one or more times while acting as examining surgeon; that the wound of hip was severe and extensive, implicating the great sciatic nerve and other important tissues; it rendered him peculiarly liable to be attacked with lockjaw.

Dr. R. W. Twitchell testifies to precisely the same state of facts.

Dr. C. H. Robbins swears that he unwittingly signed a former affidavit, which was prepared by another, contrary to what affiant had told him, and which he did not read at the time of signing, and caused great injustice to claimant; that soldier died by reason of gunshot wound of the right hip; that soldier carried an ounce minié ball immediately over the sciatic nerve about eight or nine years; was then extracted in 1871. After its removal he suffered almost continued pain and much nervous prostration and irritability of nervous system, and became considerably emaciated; that several times before his death he had strong symptoms of tetanus; the nervous irritability and prostration increased after each attack of sickness; the muscles of hip and thigh had grown fast to the bone in the immediate region of the sciatic nerve, aggravating the symptom; has no hesitancy whatever in stating that his death was the result of gunshot wound for which he was pensioned, said wound finally producing a final attack of tetanus.

P. H. Mosher and John D. Dain testify to the same facts. The claimant was married to the deceased some two years before his enlistment, and is the mother of two girls by said marriage, one of whom is under sixteen years of age.

This case presents a very strong claim upon the Government for a widow's pensi and while the wound in the foot from a nail might have hastened in some slight gree the predisposition to tetanus, so frequently threatened by the gunshot wou the committee is of the opinion that the evidence of three medical experts is so str as to exclude even the shadow of a doubt that soldier's death was the result of wound received in battle while defending the cause of his country, and even w there any doubt in the case the benefit of said doubt in such a case as this should given to the widow.

The committee therefore unanimously recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 442.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3308.]

The Committee on Pensions, to whom was referred the bill (H. R. 3308) to increase the pension of Joseph R. Cravens, have examined the same, and report, recommending the passage of the bill, and adopt the following House report:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3308) to increase the pension of John R. Cravens, having considered the same, report as follows:

This claimant, the late Lieut. Joseph R. Cravens, enlisted August 8, 1862, in Company G, Ninety-fourth Illinois Volunteers, and was discharged February 22, 1865, and filed his application for pension February 26, 1875, for right inguinal hernia, incurred May, 1863, in Missouri, while in line of duty; was granted a pension on a total rating for said disability June 29, 1879.

The claimant's disabilities having constantly increased, totally disabling him for manual labor, he filed an application for increase of pension for additional disability, neuralgia of head, face, and eyes, vertigo, and loss of sight, as a result of sunstroke received while in the trenches during the siege of Vicksburg, July 1 and 2, 1863.

This latter application was rejected by the Pension Office, on the ground that the disability was probably the result of causes existing prior to his entering the service.

The evidence and papers in this case are very voluminous, the case having been subjected to three or four special examinations.

From the evidence now on file in this case the following facts appear to be clearly proven:

The claimant was entirely free from hernia, neuralgia, or loss of sight prior to enlistment, and that he has suffered continually from hernia, vertigo, neuralgia, and loss of eyesight since his discharge, and in support of these statements the following strong and unimpeachable evidence is given:

First Lieut. M. E. Ferguson, Peter Jacoby, R. D. Taylor, Leroy W. Parks, L. A. Pike, William C. Pike, Chancy Howard, Daniel Rowland, James M. Harly, W. C. Hamilton, A. L. Moore, and Aaron Buckles swear that they were personally and well acquainted with claimant before and at the time of his enlistment, and that he was entirely free from neuralgia, hernia, impaired vision, and vertigo.

Dr. A. F. Cummings, a physician of long experience and excellent standing, testifies that he has known claimant since boyhood, and was his father's family physician from time claimant was fourteen years old. "I was intimately acquainted with him, and about a year of the time he was a medical student in my office. I never knew or heard of his being afflicted with neuralgia, defective vision, or vertigo prior to his enlistment, but personally know he has been a sufferer continually since his return from the Army."

Second Lieut. L. N. Woodcock testifies that he was well and personally acquainted with claimant prior and up to the time of his enlistment, and knows he was entirely free from impaired vision up to the time of and for a year after enlistment, and that after the siege of Vicksburg he was compelled to wear glasses, and complained of pains in the head and eyes, the result of sunstroke at Vicksburg.

Dr. A. L. Stewart, assistant surgeon of claimant's regiment, testifies that he examined him carefully at the time of his enlistment, and at that time claimant was entirely free from hernia, vertigo, neuralgia, or impaired vision. (Standing and veracity of Dr. Stewart verified by the board of surgeons at Bloomington, Ill.)

Colonel McNulty testifies that he was well acquainted with J. R. Cravens prior to and at the time of his enlistment, and that he personally knows claimant was a vigorous and sound man at the time of his enlistment, and that he personally knows J. R. Cravens to have received a sunstroke in the trenches while in line of duty at the siege of Vicksburg, about July 1, 1863, and that claimant, from the result of the same, thereafter became very much enfeebled and disabled, and his discharge finally became necessary as a result of said disability. (This witness's standing and service are verified by the Adjutant-General.)

Lieutenant-Colonel Laughlin, a practicing physician before the war, and now secretary of the board of United States examining surgeons at Bloomington, Ill., testifies that he examined claimant at Vicksburg in July, 1863, and found claimant suffering from the effects of sunstroke, and that claimant afterwards became very much enfeebled and debilitated from effects of the same; that he was discharged as being unfit for military duty.

Regimental Surgeon Ross testifies that he was surgeon of claimant's regiment from November 19, 1862, to August, 1865, and that he examined claimant for right inguinal hernia, after a long and tiresome march in Missouri, and found him suffering from the same; and claimant was carried to his tent at Vicksburg July 1, 1863, and was examined by Dr. Laughlin, an accomplished physician and surgeon, who pronounced him suffering from a severe heat (*coup de soleil*), from which claimant afterwards became very much debilitated, resulting in claimant's discharge as being unfit for military service.

Claimant testifies that he was at the time of his enlistment and discharge a practicing physician, and that for three years after his discharge he traveled in the hope of recovering his health, and he, in consultation with physicians he met during his travels, treated himself.

Dr. Laughlin also swears that he knew claimant intimately from 1868 to 1878, and that during that period he was frequently called to examine him, and found him suffering from an affection of the optic nerve and thickening of the cornea, which greatly impaired his vision. Claimant was also suffering from neuralgia and vertigo, a result of sunstroke received at Vicksburg July, 1863.

Dr. Kaggs also swears to the same facts.

Dr. J. T. Jones, late assistant surgeon of the One hundred and thirty-second Indiana Volunteers, testifies that he has known claimant intimately since 1880, and that he has examined him frequently during this period and found him suffering continuously from neuralgia located in the head and shoulders and also affecting his eyes, impairing his vision, and vertigo, a result of a morbid condition of the meninges of the brain and upper portion of the spinal cord, as the sequel of a *coup de soleil*, and that his disability is now continuous.

The board of examining surgeons at Olney, Ill., examined claimant June 14, 1880, viz: Height, 5 feet 6 inches; weight, 124 pounds; age, 50; pulse, 136; respiration, 24; and find claimant suffering from neuralgia, inguinal hernia, vertigo, and defective vision. His condition is such as to render him entirely unfit for manual labor.

The board of United States examining surgeons at Indianapolis, Ind., examined claimant January 31, 1883, viz: Height, 5½ feet; weight, 120; age, 53: pulse, 98; respiration, 19; and find him suffering with right inguinal hernia, neuralgia, vertigo, and impaired vision. They find his disability as described above to be equal to and entitling him to total (¾).

The board of United States examining surgeons, North Vernon, Ind., examined claimant July 7, 1884, viz: Age, 54; height, 5½ feet; pulse, 97; temperature, 99½; respiration, 16; weight, 120 pounds, and they find claimant suffering from right inguinal hernia, severe neuralgic pains in head, eyes, and chest; totally incapacitated for manual labor, his heart very irregular, 103 maximum per minute. They find the disability as above described to entitle him to a third-grade rating.

After a critical examination of the evidence submitted in this case, your committee, in consideration of the clear and incontrovertible evidence of the highest character, medical and from his fellow-officers, showing that claimant was entirely free from the disabilities from which he is now a constant sufferer, and that said disabilities were contracted in the service in line of duty, and that his disability is now permanent and constantly increasing, report the bill favorably, with the recommendation that it do pass, with the following amendment:

Strike out the word "thirty," in line 6 of said bill, and insert instead thereof "twenty-four;" and also strike out the word "John," in line 4, and instead insert "Joseph;" and that the title be amended accordingly.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 443.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H R. 414.]

The Committee on Pensions, to whom was referred the bill (H. R. 414) granting a pension to Daniel B. Clark, have examined the same, and report, recommending passage of the bill, and adopt the following House report:

[House Report No 19, Forty-ninth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred bill H. R. 414, beg leave to submit the following report:

Daniel B. Clark enlisted in Company A, First Regiment of Ohio Cavalry, and was discharged at Nashville, Tenn., for disability, September 17, 1864. He was a prisoner of war from August 29, 1862, to September 13, 1862. A pension is claimed for heart disease and piles contracted while a prisoner of war. The evidence is as follows: Simon Dorran, a private of the same company and regiment, and also a fellow-prisoner, testifies said Clark had diarrhea and piles while he was a prisoner of war. Capt. Noah Jones, who was the captain of Clark's company, also William P. Cleaveland, a member of said company, both testify that Clark, after he returned from prison, was unable to do duty on account of disease or disability, which disease they understood Clark contracted while a prisoner of war. Dr. Milton Dunlap, of Greenfield, Ohio, testified that he treated said Clark in 1862, but he cannot now remember for what disease. It also appears that after Clark was a prisoner of war he returned to his home near Greenfield, Ohio, on furlough. John Blain testifies that Clark was a sound man at the time of enlistment; that he was at Clark's home in Ross County, Ohio, in 1862; that Clark was at home sick, and complained of pain in his breast, and that at that time Dr. Dunlap treated him.

Dr. W. H. Wear testifies that he met said Clark in 1865, and had frequent talks with him about his trouble, and that Clark at the time was suffering from heart disease, pleuritis, and piles; and that since 1872 he has been said Clark's family physician, and has treated him for said diseases, and that said diseases still continue, and that said Clark is totally disabled. Dr. McDavit testifies that he treated said Clark in 1880 for heart disease and pleuritis. Dr. Compton says he knows said Clark, and that he treated him since 1872 frequently for heart disease and piles.

Dr. A. F. Eidson testifies that he treated said Clark from August, 1865, to April, 1871, for heart disease and piles. The board of medical examiners who examined him in 1881 say he is totally disabled from the effects of heart disease and piles. A number of witnesses testify to Clark's soundness at the time of his enlistment, and to his being sick ever since he was a prisoner of war. Evidence introduced before the committee show said Clark to be totally disabled at this time, confined to his bed or invalid-chair, and unable to walk or to talk so he can be understood without great difficulty.

Your committee recommend that said bill do pass, with the following amendment: Strike out the words "at the rate of thirty dollars per month" and insert "subject to the provisions and limitations of the pension laws."

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 444.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 693.]

The Committee on Pensions, to whom was referred the bill (H. R. 693) to restore to the pension-roll the name of William B. Keith, have examined the same, and report, recommending passage of the bill, and adopt the following House report:

[House Report No. 8, Forty-ninth Congress, first session.]

The claimant enlisted as second lieutenant in Company E, Tenth Kansas Volunteers, August 19, 1861, and was honorably mustered out August 18, 1864. On the 23d of December, 1872, he filed his application for a pension, alleging disability "from bloody piles, the result of diarrhea contracted in camp in Benton County, Arkansas, October, 1862, after a severe engagement at the battle of Fort Wayne; the diarrhea continuing about two months."

On the 23d of December, 1873, pension was allowed by the Department, but a few months later it was suspended, one Ellis claiming that it was improperly granted, and an investigation by a special examiner was ordered. The evidence shows clearly that a very bitter feeling existed between claimant and certain parties on account of the active part claimant had taken in political contests.

The special examiner seems to have fallen into the hands of these parties and to have made the mistake of supposing that he was sent for the special purpose of preventing claimant from receiving a pension instead of that of making a full and thorough investigation of the case, and of ascertaining the exact truth in the matter. The substance of the evidence adverse to claimant seems to be that certain parties had heard claimant complain of piles before entering the service. Not one of the witnesses claimed to know anything further than that claimant had stated at certain times that he was suffering from the piles. On the other hand, a large number of witnesses who were intimate with claimant testify that he was a strong, hearty man, able to do hard labor, and that they never heard him *intimate* that he was thus afflicted. Dr. Holaday testifies—

"That he was claimant's family physician for years before he enlisted, and knows of his *own personal and professional knowledge* that when he enlisted he was a sound, healthy man."

Capt. J. F. Broadhead, commanding Company E, says:

"He knows of his own personal knowledge that claimant while in the line of duty, October, 1862, in Benton County, Arkansas, in consequence of a forty-eight hours' forced march, and an engagement with the enemy at Fort Wayne, was taken with diarrhea, from which he suffered for about two months, and which brought on piles."

P. Gould Parker, regimental surgeon of Tenth Kansas Volunteers, testifies—

"That he knows of his own personal knowledge that claimant, while in the line of duty, October 22, 1862, in Benton County, Arkansas, had been subjected to a forced march of two days and nights, which was followed by the battle of Fort Wayne, when claimant was taken with diarrhea, which continued upon him for about two months and resulted in piles, for which affiant *repeatedly* prescribed while he continued in the service."

Dr. M. F. Holaday, who had been claimant's family physician before he entere service, testified that—

"He saw claimant soon after his discharge, in August, 1864, and he was then affl with the piles, for which affiant prescribed for him then and has done so repea since; that he has continued to be afflicted with said disease from his dischar the present time, December 23, 1872, and that he has not aggravated or prolc said disease by intemperate or other bad habits."

Some of his comrades testify to the same facts. There is no question but tha attempt to deprive him of his pension grew out of political differences, which fi degenerated into bitter personal feuds. But admitting without question all th dence tending to show that claimant had been at times afflicted with piles prior t listment, we cannot see that it affects this case. The evidence is conclusive that h sound when he enlisted, that the disease did not exist at that time. That the di for which he now claims pension did originate in the service, and has since conti is fully and clearly shown. There is however, very strong evidence to show tha testimony in relation to prior disability is wholly false and malicious.

Your committee, after a very careful examination of the evidence, which is ver uminous, conclude that claimant was unjustly deprived of his pension, and t fore recommend that the title of the bill be amended to read, "A bill to restore t pension-roll the name of William B Keith," and that the bill be passed.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 445.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 415.]

The Committee on Pensions, to whom was referred the bill (H.R. 415) granting a pension to William Condon, have examined the same, and report, recommending passage of bill, and adopt House report.

William Condon enlisted at McGregor, Iowa, in August, 1863, and was honorably discharged at Prairie du Chien, Wis., July 4, 1865. His application for a pension is based on the ground that he was thrown from a mule and ruptured in the rectum and testicles, which resulted in blindness. His claim was rejected by the Commissioner of Pensions on the ground that there was no record of disease for which pension is claimed.

It appears from the evidence that the claimant had no family physician before he enlisted, and that he was a sound and healthy man. The Surgeon-General's report in his case shows, "Claimant, October, 1864, in the hospital, Little Rock, Ark., sick with injuries of back from fall from a horse." His military record shows claimant in the hospital almost all the time until he was discharged—marked on the records sick. On the 6th of May, 1865, he was transferred from the hospital at Devall's Bluff, Ark., to Prairi du Chien, Wis., and was honorably discharged July 4, 1865.

The claimant testifies that while in the line of his duty, being detailed as a teamster in 1864, he was hauling water for his company and was riding a mule, when the animal became frightened and threw him to the ground with such great force that he became senseless, causing rupture of the rectum and injury to his private parts, from the effects of which he has never recovered; that the inflammation from his injuries received in fall from the mule passed to his eyes and has caused his total blindness, one of his eyeballs having bursted.

James Valentine, of Company D of the same regiment, testifies that in the fall of 1864, at or near Devall's Bluff, Ark., the said Condon was thrown from a mule, he being a teamster at the time, and was very badly hurt, so much so that he was sent to the hospital, and that he did not see him again in the service; that prior to that Condon was a sound, healthy man, and was always ready for duty when called upon.

Levi J. Ross, a private of Company D of the same regiment, testifies to the same facts as James Valentine, being present at the time Condon was thrown from the mule. The military record of Ross and Valentine shows that they were at the place stated at the time. James Valentine, on being examined by the Pension Department, states that Condon was injured in his head and was senseless after the fall up to the time he was taken to the hospital.

Dr. Ruple, who is certified to as being a reputable witness, testifies that he has been the family physician of said Condon since 1865; that he came home with an injury to his penis, apparently a bruise, and inflammation of his bladder and kidneys, which resulted in diabetes; that he treated him also in 1865 for weakness of his eyes; that Condon was also treated for prolapsus ani, and at times Condon complained of his head hurting him; that the inflammation seemed to pass to his head, and has caused total blindness, one eye having bursted; that he caused Professor Hughes, of the medical college at Keokuk, to examine said Condon, and that after a careful

examination he reported that Condon's loss of sight was the slow but steady work of malarial attacks contracted in the Army in Arkansas.

Said Ruple also testifies that Condon is now very poor, and he and his wife and child are inmates of the Henderson County almshouse. When the weather is warm Condon tries to earn a few pennies by wandering about, feeling his way with a stick, peddling pencils, shoe-strings, and other simple notions. And he has always in that county been regarded as strictly honest and temperate in his habits.

Dr. M. Park testifies that he has examined said Condon; he found him suffering from prolapsus ani, he claiming that these afflictions came on by being thrown from a mule while in the Army; that from his acquaintance with said Condon for the last ten or twelve years he has no doubt of the truth of his statements.

A large number of Condon's neighbors who knew him both before and since the war certify that Condon's claim for a pension is meritorious, and they earnestly ask that he be granted a pension.

The board of medical examiners at Burlington, Iowa, May 1, 1878, examined said Condon, directed by the Commissioner of Pensions to examine him carefully for traces of former syphilis. They report after a careful examination that he had none.

The Grand Army Republic Post, No. 172, of which said Condon is a member, speak of his case as follows:

"Hon. W. W. DUDLEY,
"*Commissioner of Pensions, Washington, D. C.:*

"SIR: By the unanimous request of Ellsworth Post, No. 172, Grand Army of the Republic, we do hereby submit to your consideration a statement of the case of William Condon, late a private of Company F, Ninth Iowa Cavalry, whose application for pension is numbered 319356, and whose case has been bungled up by his attorneys. The said Condon enlisted in August, 1863, at McGregor, Iowa, and was discharged at Prairie du Chien, Wis., July 4, 1865. While in the line of duty, at or near Brownsville, Ark., about the month of July or August, 1864 (having been detailed as a teamster), on returning with four mules he had taken to water, the mule upon which he was riding became fractious and threw him violently on the pommel of his saddle, the pommel striking between his testicles and rectum. He fainted from pain, falling off the mule, and remained unconscious for a long time. When he returned to consciousness, Levy Ross, James Valentine, and two or three others, whom he does not remember, came to where he lay and conveyed him to the corral, where he lay for a few days, when he was taken to his regiment at Brownsville, Ark. Remaining there two days, he was sent to Devall's Bluff hospital, Arkansas, where the surgeon told him he could not do anything for him. Continued to remain at said hospital until April 25, 1865, when he was ordered, with seven others, whose names he does not remember, to Prairie du Chien hospital, Wisconsin, being there employed as night-watch until discharged. The said Condon having become blind since his discharge, makes it essentially one of our duties, believing his to be a meritorious case, to extend to him all the aid in our power."

After considering all the evidence, your committee is of the opinion that Condon entered the service a sound and healthy man, and was discharged a physical wreck, completely broken down in health from injuries received while in the line of his duty as a soldier. He has become blind and otherwise disabled. His case is one that appeals strongly for sympathy.

Your committee recommend that said bill do pass, with the following amendment: Strike out all after the word "company," in fifth line of the printed bill, and insert the words "F, Ninth Regiment of Iowa Cavalry, and pay him a pension according to the provisions and limitations of the pension laws."

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 446.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4116.]

The Committee on Pensions, to whom was referred the bill (H. R. 4116) increasing the pension of John P. Brinegar, have examined the same, and report, recommending passage of the bill, and adopt the following House report:

We find that claimant enlisted August 6, 1861, in Company E, Fourth Kentucky Volunteers, and was discharged October 8, 1864; that at the battle of Chickamauga, September 19, 1863, he received a gunshot wound in his right side, for which he was granted a pension November, 1871, at the rate of $8 per month. This pension has since been increased as the disability increased, until he is now receiving $24, the injury being rated as equivalent to the loss of a hand.

Dr. D. M. Claggett testifies February 10, 1886:

"I hereby certify that I have this day examined John P. Brinegar, and find an extensive necrosis of the crest of the ileum, discharging a stinking ichorous pus through three tortuous sinuses, one in front of the ileum, one near the back bone, and one near the posterior extremity of the ileum. I have treated him at various times during the past twelve years, and removed several spicula of dead bone. The discharge has been continuous since I first treated him, and very moderate exercise has been sufficient to cause it to become inflamed and painful, and discharge more copiously. He is and has been for past twelve years entirely unfit to perform manual labor, except at the risk of his life, and from the situation of the sinuses at the back he is not able to wash and dress them as they require without the aid of an assistant.

Dr. E. S. McDonald corroborates the above, adding:

"That the wound is so situated as to make it impossible for the patient to cleanse and dress it properly, thereby necessitating the services of a nurse or other person. After a careful examination I feel warranted in saying that the injury above described greatly endangers the life of the patient from pyæmia and its close proximity to the abdominal cavity. He is a continual sufferer and wholly incapacitated for manual labor."

Hon. A. M. Dockery, a member of this House, testifies that he is personally acquainted with the claimant and has been for fifteen years; that he is an honorable man and a great sufferer; he also vouches for Drs. Claggett and McDonald as accomplished physicians and gentlemen of high standing. As the law now is, the Department can fix no rate between total disability and that condition which requires the constant aid and attention of another person. In many respects the condition of the man is much worse than that of a helpless paralytic would be. He is a constant sufferer, requiring a portion of the time the attention of another, and with a disease so offensive as to partially exclude him from the society of friends and neighbors, with no possible hope of recovery and uncertain as to what moment death may come, and with the certainty that any sudden or violent exercise on his part will surely hasten it.

Your committee recommend the passage of the bill with an amendment striking out "fifty" in line 6 and inserting "forty."

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 447.

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4224.]

The Committee on Pensions, to whom was referred the bill (H. R. 4224) granting a pension to Amanda Rodgers, widow of Matthew B. Rodgers, late of Company C, First Regiment United States Dragoons, have examined the same, and report, recommending the passage of the bill, adopting House report.

The Committee on Pensions, to whom was referred House bill 4224, after duly considering it, report it back, recommending its passage with the following amendment: "and that she be paid a pension of $16 per month from the 24th day of November, 1882, during her natural life, in case she so long remains the widow of Matthew B. Rodgers."

Matthew B. Rodgers was a corporal in the United States Army, Company C, First Regiment United States Dragoons, and while in said service he received wounds and injuries, for which on the 2d day of June, 1836, he was granted a pension of $4 per month, to commence on the 20th day of November, 1837, which was subsequently raised to $16 per month, which he was drawing at date of his death, November 24, 1882. He was an invalid for many years prior to his death. Amanda Rodgers is his widow and shared with him the sorrows of life, cared for him in his afflictions, and laid him in his last resting place. She is poor, aged, and infirm, and the committee recommend that the bill as amended do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 448.

IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1886.—Ordered to be printed.

Mr. CHACE, from the Committee on Post-Offices and Post-Roads, submitted the following

REPORT:

[To accompany bill S. 1079.]

The Committee on Post-Offices and Post Roads, to whom was referred Senate bill 1079, *have considered the same, and report the following:*

The preamble of the bill sets forth that the deficiency of postal revenues for the current year, it is estimated, will be $10,500,000; and for the year ending June 30, 1887, the deficiency, it is estimated, will be $7,443,914.25; and, further, that the expenditures of the Post-Office Department should be reduced, if possible, to a point within the amount of estimated postal revenue, especially that part for the transportation of matter not conveying personal or general intelligence. With that in view, it recommends that the rate of postage on fourth-class mail matter, on and after July 1, 1886, shall be double what it is at present, viz: 2 cents per ounce or fraction thereof.

Under the act of June 8, 1872, mailable matter was divided into three classes, the first class being letters, the second class regular printed matter, and the third class to embrace all other mailable matter, limiting the amount of matter of this class to 12 ounces, except in the case of books, book manuscripts, proof-sheets, and corrected proof-sheets. Under that act third-class matter was carried at the rate of 1 cent for each 2 ounces or fraction thereof, except that double this rate was charged for books, samples of metals, ores, minerals, and merchandise. In 1873 seeds, cuttings, bulbs, roots, and scions of any weight were declared mailable, and in 1874 they were limited to packages of 4 pounds. In 1879 merchandise was admitted also, and all other mailable matter not included in the third class, thus establishing the parcel post system.

Under the act of March 3, 1879, mailable matter was divided into four classes; first, written or sealed matter and postal cards; second, newspapers and periodical publications; third, miscellaneous printed matter, including books; and, fourth, merchandise, which embraces all mailable matter not included in the other three classes, and is limited to packages not weighing over 4 pounds. The postage on this class of matter is 1 cent for each ounce or fraction thereof. This class covers a very wide range of articles, and under this provision the people all over the country are daily supplied from the centers of distribution with a very great variety of articles.

The postage on first-class matter is 2 cents an ounce or fraction thereof. If this bill should be enacted into a law the postage on fourth-

class matter would be the same as that on first-class matter, while on second-class matter the postage is but 1 cent per pound or fraction thereof, when sent by the publisher from the office of publication, and while it goes free through the mails in the county where printed and published, in whole or in part, to actual subscribers living in the county, but if delivered at letter-carrier offices or distributed by carriers at places other than that of publication, 1 cent per pound. On the third-class the postage is 1 cent for each 2 ounces or fraction thereof. This class takes circulars, engravings, lithographs, handbills, &c., the limit of weight being 4 pounds, except that a single book of any weight is admitted.

The delivery of letters, printed matter, of seeds, bulbs, cuttings, &c., and of merchandise, through the agency of the post-office is one of the greatest among the modern instrumentalities for promoting and improving our civilization. This service is performed for the people by their agents and at their expense, and in no department of the Government is there any service which so nearly re ches every individual in the nation. In its inception the Post-Office Department was provided merely to convey between individuals ordinary letter correspondence, but as the people became aware of its great benefits, its scope and the variety of its service has been gradually increased, enlarged, and broadened, so that now it attempts not only to convey correspondence, but to disseminate intelligence, to increase the facilities of the people for gratifying their tastes, and to deliver to individuals all over the country a great variety of articles of merchandise. Not only so, but the people, through their legislators, have added to it a species of banking under the postal-note and money-order system. There is also a further call for a very great enlargement of the service of the Post-Office Department by the establishment of postal savings banks.

In the various acts under which the rates of postage have been reduced from 25 cents for a letter composed of a single sheet to 2 cents for a letter weighing one ounce, and from the entire rejection of all articles of merchandise to the articles embraced in the third and fourth classes, the representatives of the people have not been influenced by considerations of profit or loss, but only whether the promotion of trade, the accommodation of correspondence, the spread and increase of intelligence, and the enlargement of the mercantile facilities of the country would be most benefited. With these objects in view, it seems to your committee that legislation should not proceed upon the basis of profit, but upon that basis which shall afford the public the largest accommodation and the best service.

The Postmaster-General, in his communication dated March 8, 1886, inclosing a letter from the Third Assistant Postmaster-General, uses the following language:

I concur in the opinion of the Third Assistant Postmaster-General that the legislation proposed by this bill is undesirable, and that it would not tend to accomplish the end indicated by its preamble, for the reasons which he states. I think the bill objectionable upon broader grounds. It is a step in the direction of depriving the postal service of one of the features of its usefulness, *which ought to be extended and improved rather than cut off*. The advantage of public carriage of small parcels in the mails to the people of the country is very great, because the mails extend to the entire people, while the means of private transportation are limited to the more populous localities, and because the charges for transportation by private carriers are greatly disproportionate upon small parcels, thus imposing a totality of burden on those who desire a carriage of small parcels heavier than is sustained by others. There should be some difference, but the percentage of difference is disproportionately large. The extension of postal usefulness and the transportation of small articles has for some years been receiving great attention in foreign countries, and beneficial

results have been achieved. Unquestionably it is in the direction of enlightenment and civilized progress. The people of this country are entitled in every circumstance, of character, of intelligence, of enterprise, and of means to enjoy the utmost facilities which our Government can rightfully afford. There is nothing in the condition of the service or in its experience in dealing with fourth-class matter to furnish any reason for a denial of the conveniences the laws now afford, but there seems to me to be everything to justify an increase of the facilities furnished.

From the information derived from the Post-Office Department your committee are of the opinion that no part of the deficiency in the postal revenue arises from the transmission of fourth class matter through the mails. They are further of the opinion that the doubling of the rate on fourth-class matter would result in a very great reduction of the revenue from this class of service, instead of an increase. On the other hand, they believe that it would only result in turning a large portion of this service into the hands of the express companies, who would charge an increased rate, thereby entailing upon the people not only a great loss of facilities, but at largely increased expense.

Under the changed methods of our civilization the prompt and expeditious delivery of these small packages of merchandise has become one of the public necessities, and your committee do not believe that the people are ready to deprive themselves of that accommodation. The service would be largely reduced to all, and to those who live at a distance from railroads and out of the reach of the express companies it would be entirely lost.

For these reasons your committee think the bill should not pass, and they therefore recommend that it do lie on the table.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 449.

IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1886.—Ordered to be printed.

Mr. PLATT, from the Committee on Patents, submitted the following

REPORT:

[To accompany bill S. 2101.]

The Committee on Patents, to whom was referred a bill for the relief of Edward G. Thompson, administrator, &c., have considered the same, and respectfully report:

The patent which it seeks to extend was granted July 14, 1863, for seventeen years. The invention consists in the combination of a drill-head armed with diamonds and fitted to the end of a tubular boring bar, whereby a rotative and advancing movement is imparted to the cutting-head, a forced flow of water through the said tube and head, whereby the constant rotative and advancing movement of the head cuts away the rock, and the flow of water through the drill rod and returning outside of it brings with it the cuttings or detritus; and this is irrespective of the mechanism by which the rotative or advance movement of the drill is imparted. By its use, when the drill-head is made annular, the exact nature of the rock, strata, or mineral through which the drill passes can be ascertained. For prospecting and like purposes this feature is of great value in the saving of time and expense over the only known previous methods for accomplishing the same result.

The inventor was from poverty unable to introduce his invention into public use, and has realized nothing from it. Those who became interested in it in the United States expended in its development and introduction into use not less than $175,000 over and above their receipts for it from all sources. During the first seven years of the patent the public had not purchased one machine; and the proposed extension will be, in fact, only a grant of seventeen years from the date at which the invention commenced to be used in this country. The extension of this patent will give the needy heirs of the inventor a reasonable compensation for the value of his invention to the United States, without causing the payment by the public for its use to exceed a fair consideration for the benefits it will realize from it.

The invention within the last few years has worked a complete revolution in the mining interests in this country. By the employment of the hollow Leschot drill a test hole is bored in any direction, vertically, horizontally, or at any angle, leaving a core in the center of the drill or hole which may be at any time removed, and thus permit the examination of the rock, earth, or strata, through which the drill has passed, and at a trifling expense compared with the old shaft-sinking method of prospecting, with a great saving also in time. A vein once lost can

be easily and inexpensively found by means of this drill. It has thus been of immense value to the mining interests of this country, enabling the miners and those owning mineral properties to prospect and locate with certainty the extent and wealth of their ores and the size and position of their veins; and its use for prospecting and developing mining property has saved this country enormous sums of money which would otherwise have been expended in the older expensive systems of prospecting and development.

Nothing has been received from the invention in European countries for the reason that it has not there been applied to mining interests, there being no mining interests of sufficient consequence to warrant the expense of its introduction.

It is satisfactorily shown, first, that the invention is of great public value; second that the inventor has received no compensation for it; third, that this failure was without his fault; fourth, that there is a reasonable prospect that the proposed extension would secure him a reasonable compensation; and, fifth, that the public has not already paid for this invention and will not be burdened by the extension.

We do not in this report discuss the policy of the extension of patents. We agree that extensions should be granted only in exceptional cases; but if in any case Congress will authorize the Commissioner of Patents to consider the question of such extension, this case seems to the committee exceptional and meritorious, and the committee therefore recommend the passage of the substitute herein reported in place of the bill referred to the committee.

CONGRESS, } SENATE. { REPORT
Session. } { No. 450.

IN THE SENATE OF THE UNITED STATES.

APRIL 12, 1886.—Ordered to be printed.

IAHONE, from the Committee on Education and Labor, submitted the following

REPORT:

[To accompany bill S. 1884.]

'ommittee on Education and Labor, to whom were referred sundry itions and memorials of workmen, laborers, and mechanics, of Phila-hia, New York, and Brooklyn, also the bill (S. 1884) relating to the it hour law, beg leave respectfully to report:

the 25th day of June, 1868, Congress passed an act, commonly n as the eight-hour law, fixing the number of hours which should after constitute a day's work for certain classes of Government yés.

e act is in the following words:

it hours shall constitute a day's work for all laborers, workmen, and mechan-s employed or who may hereafter be employed by or on behalf of the Govern-of the United States. (See 15 Stat. at Large, p. 77; now Rev. Statutes, sec.

ur committee have made careful investigation into the conduct of fficers of the Government who have had charge of the employment e men who are entitled to the benefits intended to be conferred by assage of this act from its passage to the present time, and find from the beginning the law has been, by many of the officers of Government, disregarded, evaded, and violated. As early as the ning of the year 1869 complaint was made to the President of the ed States that the law was not enforced or regarded by the officers e Government having charge of the employment of these men. e complaints called forth from the President, on the 19th of May, the following proclamation:

ereas the act of Congress approved June twenty-fifth, one thousand eight hun-nd sixty-eight, constituted on and after that date eight hours a day's work for orers, workmen, and mechanics employed by or on behalf of the Government United States, and repealed all acts and parts of acts inconsistent therewith:

r, therefore, I, Ulysses S. Grant, President of the United States, do hereby direct rom and after this date no reduction shall be made in the wages paid by the nment by the day to such workmen, laborers, and mechanics on account of the tion of the hours of labor.

testimony whereof I have hereunto set my hand and caused the seal of the d States to be affixed.

ne at the city of Washington, this nineteenth day of May, in the year of our one thousand eight hundred and sixty-nine, and of the Independence of the d States the ninety-third.

U. S. GRANT.

the President:
HAMILTON FISH,
Secretary of State.

This, however, had little or no effect, and the matter went on with little or no attention being paid to the law, the men either being required to work ten hours to earn their daily wages, or suffer a reduction of wages to correspond with the reduction of the hours of labor, until May, 1872, when the President issued a second proclamation, calling attention to the first, and forbidding any reduction of wages in consequence of the reduction of the hours of labor. The proclamation is in the following words:

Whereas the act of Congress approved June twenty-fifth, one thousand eight hundred and sixty-eight, constituted on and after that date eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States; and whereas, on the nineteenth of May, one thousand eight hundred and sixty-nine, by Executive proclamation, it was directed that from and after that date no reduction should be made in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor; and whereas it is now represented to me that the act of Congress and the proclamation aforesaid have not been strictly observed by all officers of the Government having charge of such workmen, laborers, and mechanics:

Now, therefore, I, Ulysses S. Grant, President of the United States, do hereby again call attention to the act of Congress aforesaid, and direct all officers of the Executive Departments of the Government having charge of the employment of laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, to make no reduction in the wages paid by the Government by the day to such laborers, workmen, and mechanics on account of the reduction of the hours of labor. (U. S. Stat. at Large, vol. 17, page 955.

Meantime petitions and memorials had been sent to Congress praying for relief and for the enforcement of the law; and on the 18th day of May, 1872, Congress passed an act requiring the accounting officers of the Treasury to settle with and pay to their employés all sums withheld from them by reason of the reduction of the wages in consequence of the reduction of the hours of labor for the time intervening between the passage of the act constituting eight hours a day's work and the 19th of May, 1869, the date of the President's first proclamation, which act is in the following language:

SEC. 2. That the proper accounting officers be, and are hereby, authorized and required, in the settlement of all accounts for the services of workmen, laborers, and mechanics employed by or on behalf of the Government of the United States, between the twenty-fifth day of June, one thousand eight hundred and sixty-eight, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the nineteenth day of May, one thousand eight hundred and sixty-nine, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of the reduction of the hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages, and a sufficient sum for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Under this act many of the parties were paid, while a considerable number of the claims for the above-named period, which were filed with the accounting officers, were not paid, but still remain on file in the Department. Your committee find that notwithstanding that the Executive had, in the two instances above cited, by his proclamation declared what the spirit and intent of the law was, and the further fact that Congress had by the act above referred to given a legislative construction to the act, still many of the officers of the Government whose duty it was to execute the law adopted various measures to avoid it, and to get from the men in the employ of the Government, under their control, ten hours' work for each calendar day. One of these means was to require these men to enter into special contracts to work ten hours per day; another was to employ them by the hour, and still another was, in cases where it was practicable, to have the work done by the piece. Another was what is known as the 15 per cent. contracts, under which

nearly all the granite for the various public buildings throughout the United States was cut. Under these contracts the men were employed by the day, under the control and superintendence of the Government, and paid on Government pay-rolls, and the contractors were paid 15 per cent. on the cost of cutting the stone. The men employed on this work claimed that it was Government work, and that they were employed on behalf of the Government, and entitled to the benefit of the eight-hour law. To settle the question a suit was brought in the Court of Claims, which went to the Supreme Court of the United States, and was decided against the claimant on the ground that there was no privity between the claimant and the Government; that the contractor was alone responsible to the claimant for his wages. This was the case of Driscoll *vs.* the United States, reported in 6th Otto, page 424.

The only other case decided by the Supreme Court under this law is that of Martin *vs.* The United States, reported in 4 Otto, page 400. In this case the claimant was at work under a special contract to work twelve hours per day from the 1st of October to the 1st of June, for $2.50 per day, and ten hours per day from the 1st of June to the 1st of October at $2.25 per day. The court held that the act of June 25, 1868, constituting a day's work, was a direction by Congress to the officers and agents of the Government, prescribing the length of time which should constitute a day where no special agreement was made on the subject, but as claimant had made a special agreement, he must be bound by it. These embrace all the decisions of the Supreme Court under this law, and it will readily be seen that neither of them affect the rights of the claimants included in this bill.

None of these measures for evading the law, however, were uniformly adopted, nor was the law uniformly ignored. In some Departments the law was enforced, and notably so under the administration of President Grant, in many, if not all, of the navy-yards and arsenals, and also on the new State, War, and Navy Department building here in Washington, the men were only required to work eight hours to earn their daily wages. But under the administration of President Hayes the law was practically ignored, and the men were required to work ten hours to earn the same pay that they had received under the administration of President Grant for eight hours' work.

Thus the matter has run on until the present time, some Departments ignoring the law and others enforcing it. The result, therefore, is, that the Government has been requiring of a portion of its employés, laborers, workmen, and mechanics, ten hours' work to earn the same amount of money that it has paid to others of the same class of labor for eight hours' work. This, your committee think, is an unfair and unjust discrimination which should not have been made. Whatever construction may be put upon the law, certainly no one will claim that it justifies such a discrimination. These men are either entitled to a full price of a day's work for eight hours' labor, or they are not. If the act contemplated a reduction of the wages of labor to correspond with the reduction of the hours of labor, those who have been paid the full price of a day's work for eight hours of labor have been overpaid if such was not the intention of Congress in passing the act; if not, then the Government honestly owes these men for the difference between the value of eight and the value of ten hours' work, to be determined by the standard adopted by the Government in fixing the rate of wages paid to its employés of the class hereinbefore named.

In determining the question as to whether, under the act of June 25, 1868, these men are entitled to a full day's pay for eight hours' work,

we have recourse not only to the proclamations of the President of the United States above quoted, and the act of May 18, 1872, directly requiring the accounting officers of the Government to give the law this construction, but we are further enlightened by the debates in the Senate upon this act when the bill was before the Senate (p. 3424, vol. 68, Globe, second session, Fortieth Congress). During this debate Mr. Sherman, of Ohio, offered an amendment to the effect that the wages should be reduced to correspond with the reduction of the hours of labor. This debate was participated in by Senators Morton, Wilson, Thurman, Stewart, and others. We quote from the remarks made by Senator Morton, as follows:

Mr. MORTON. * * * As I understand the amendment proposed by the Senator from Ohio, I am not in favor of it. I think it will virtually defeat the object of the bill.

Mr. CONNESS. Of course it does.

Mr. MORTON. It proposes to adjust the rate of wages according to the length of time during which labor is performed. The effect of it would be to bring down the rate of wages, because the time for labor is shortened that much.

The amendment was rejected by a vote of 21 to 16. We also quote from the debates in the Senate on the adoption of the House resolution, No. 47, which was incorporated in section 2 of the sundry civil bill, passed May 18, 1872, and referred to above (p. 124, vol. 87, Globe, 2d sess. 42d Cong.):

Mr. MORTON. Mr. President, I desire to make one suggestion in reply to the Senator from Connecticut, as to what was the understanding here when the eight-hour law passed. My recollection is that the Senator from Ohio, behind me (Mr. Sherman), offered an amendment to that bill for the purpose of testing the sense of the Senate as to whether there should be a full day's wages paid for eight hours' work or only eight hours' labor paid for. My recollection is that the question was distinctly presented in that amendment, which was voted down by a very decided majority.

Mr. SUMNER, on the same resolution:

It is unquestionably an act of justice; these workmen are out of their money, some of them are dead and are represented by their families, and to them this small allowance is of very great importance. I do not think it is advisable for us to take more time. I think we fairly owe the money, and, therefore, the sooner we pay it the better.

In the light of the legislation upon this subject, your committee have no hesitation in coming to the conclusion that Congress, in passing the act of June 25, 1868, intended to lessen the hours of labor without in any degree reducing the rate of wages, and they are consequently of the opinion that in all cases where the class of employés named in the act have been required to work more than eight hours to earn their daily wages, or where the wages have been reduced on account of the reduction of the hours of labor, the Government is justly indebted to the men for the deficiency.

No appropriation is asked for in this bill; the claimants only ask to be allowed to go to a court of competent jurisdiction, where they can have an opportunity to establish their claims upon the basis that they shall be paid the full price of a day's work for eight hours' labor. And this your committee think, but a reasonable request, and ought to be granted, and therefore report the bill back without amendment and recommend that it do pass.

(As to the custom of the Government in fixing the rate of wages, and the order and construction of the Secretary of War, and as to the report of committee appointed to investigate the 15 per cent. contracts being made to evade the eight-hour law, and extracts from Senate debates, see appendix.)

APPENDIX A.

Court of Claims. No. 8009. Eight-hour case. James Driscoll *vs.* The United States. Evidence for claimant.)

Deposition of William T. Dewdney, for plaintiff, taken in Washington, D. C., on the 3d day of March, 1877.

Question 1. State your name, age, occupation, your place of residence the past year, and whether you have any, and, if any, what, interest, direct or indirect, in the claim which is the subject of inquiry; and whether you are related, and in what degree, to the claimant.

Answer. W. T. Dewdney; forty-two years; carpenter; No. 1414 Seventeenth street, Washington, D. C.; I have no interest in this claim, and I am not related.

Question 2. How are you at present employed?

Answer. I am assistant superintendent of the new War, State, and Navy Department building.

Question 3. How long have you been so employed?

Answer. Since June, 1872.

Question 4. State, if you know, what the Government paid stone-cutters and granite-cutters on the work here in Washington during the years 1871 and 1872?

Answer. In 1872 we paid granite-cutters $4.50 per day for eight hours' work.

Question 5. Did the Government observe the eight-hour law here in Washington?

Answer. They did.

Question 6. By what rule, if any, did the Government establish the scale of prices paid for labor?

Answer. The price paid to the mechanics and laborers employed on the Government building is established by the market-price paid by parties outside.

Question 7. Do you mean to be understood that the Government pays the same price for eight hours' labor that private parties pay for ten? If not, state what you mean to be be understood by it.

(Objected to as leading.)

Answer. I mean that they do pay the same.

Question 8. Do you know of any other matter relative to the claim in question? If you do, state it.

Answer. I do not.

WM. T. DEWDNEY.

Subscribed and sworn to before me this 3d day of March, 1877.

[SEAL.] JNO. W. FRAZEE,
United States Commissioner, District of Columbia.

APPENDIX B.

EIGHT-HOUR LAW—SECRETARY LINCOLN'S LETTER OF INSTRUCTION THAT IT SHOULD BE ENFORCED.

Inquiry having been made at the War Department as to the truth of the repeated allegations that the eight-hour law has been disregarded by the Department, it is learned from the Acting Secretary of War, General Benet, that the charge was unfounded, as is shown by the following copy of a letter of instructions sent to him as Chief of Ordnance by Secretary Lincoln:

WAR DEPARTMENT,
Washington City, December 26, 1883.

SIR: I transmit herewith separate petitions purporting to be signed by employés of the arsenal at Benicia, the arsenal at Rock Island, and the arsenal at Frankford, representing that the provisions of the "eight-hour law" (section 3733 of the Revised Statutes) are not complied with at those arsenals, and praying that they be enforced. The law referred to does not prohibit Government officers, for good reasons based on the peculiar character of the duty of the employé or upon the exigency of the public service, from making the agreement with an employé of the character named in the act, that he shall render his services for an agreed price during more or less than eight hours in a day, and it may be that some or all of the petitioners are employed under such an engagement. It is, however, my opinion that in the absence of a pub-

lic exigency the continuance of active work at Government manufacturing establishments for more than eight hours a day is in violation of the intent of the statute, and you will please to instruct the commanding officers of the above-named arsenals accordingly.

I have the honor to be, very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

To the CHIEF OF ORDNANCE.

APPENDIX C.

(House Report. No. 93, second session Forty-second Congress, Seneca Sand Stone Investigation, page 4.)

That by employing stone-cutters through contractor ten hours' labor are obtained per day, instead of eight, a saving of 20 per cent., which more than covers on his contract the 15 per cent. allowed the contractor.

APPENDIX D.

(Senate, June 24, 1868. Globe. Pages 3424, volume 68, second session, Fortieth Congress 1868.)

1st. Sherman's amendment to H. R. bill to regulate hours of labor.
2d. Speech of Senator Conness.
3d. Speech of Senator Sherman.
4th. Speech of Senator Hendricks.
5th. Speech of Senator Morton, page 3425.
6th. Speech of Senator Stewart, page 3425.
7th. Speech of Senator Buckalew, page 3427.
8th. Rejection of Sherman's amendment, page 3429. For amendment, 16; against, 21.
9th. Passage of bill without amendment. Yeas, 26; nays, 11.
10th. Sherman's suggestion to change title of bill "to give Government employés 25 per cent. more wages than employés in private establishments receive." (Senate Forty-second Congress, Globe, volume 87, page 122.)
Senator Wilson's explanation of violation of law of 1868.
Perry and Thurman, page 123.
Morton, 124.
Sumner, 124.

Extracts from speeches delivered in the Senate of the United States, June 24, 1868, on H. R. bill No. 365, constituting eight hours a day's work for Government employés.

Senator CONNESS. Now, sir, I move to take up for consideration House bill No. 365. (P. 3424, vol. 68, Globe, 2d sess. 40th Cong.)

* * * * * * *

Senator SHERMAN. I wish to offer an amendment.

"And unless otherwise provided by law, the rate of wages paid by the United States shall be the current rate for the same labor for the same time at the place of employment" (p. 3424, vol. 68, Globe, 2d sess. 40th Cong). * * *

Senator CONNESS. I hope this amendment will not be adopted. The passage of the bill with this amendment would amount to nothing. * * * It would simply be a reduction of two hours' labor. * * *

[Sherman's speech on his amendment.]

All I desire is if the United States Government chooses to take the lead in making eight hours a day's work, that it shall not be compelled to pay for that eight hours' work more than any private individual would pay.

I have no objection to the bill (with this amendment), for then the same amount of work done for the United States will bear the same price as if done for an individual, no more and no less.

[Mr. Morton in reply.]

Mr. President, as I understand the amendment proposed by the Senator from Ohio, m not in favor of it. I think it will virtually defeat the object of this bill.

Mr. CONNESS. Of course it does.

Mr. MORTON. It proposes to adjust the weight of wages according to the length of ie during which labor is performed. The effect of it would be to bring down the e of wages because the time for labor is shortened that much.

Jpon the question that this law to be an experiment to determine whether as ch work would be performed in eight hours as in ten, Mr. Morton said: "It can- : be settled and the experiment cannot be made if the wages in the very beginning ı reduced 20 per cent. which would be the practical effect of the amendment of the nator from Ohio, because, as I understand his amendment, it proposes that the wages ıll be reduced as the hours are in point of time."

[Remarks of Senator Stewart.]

The amendment of the Senator from Ohio certainly on no theory would be right, d, I think, on a moment's reflection, the Senator himself will see that, because I be- ıve that it is admitted on all hands that men will do more work per hour if they ɔrk eight hours than they will if they work ten hours a day. If not admitted, I ink it is a self-evident proposition. I think it is one of those axioms that require ɔry little demonstration. I say a man will do more per hour who is only required to ork eight hours per day than will a man who is required to work ten hours. The ss number of hours a man works, the more he can do in the hours that he does work. hat, I believe, will be taken as true. This being so, it would not be fair to say that hen we reduce the number of hours of work from ten hours to eight hours per day, ne wages shall be reduced *pro rata*. Certainly, if a man only works a single hour a ay, he can do more in that hour—make greater exertions—than if he had to work very hour of the day. So, to adjust the wages *pro rata* according to the number of ours would not be fair.

[Remarks of Mr. Wilson.]

In this matter of manual labor I look only to the rights and interests of labor. In his country and in this age, as in other countries and in other ages, capital needs no champion. It will take care of itself, and will secure, if not the lion's share, at least its full share of profits in all departments of industry. * * * Whatever tends to dignify manual labor or to lighten its burdens, to increase its rewards or enlarge its knowledge, should receive our sympathies and command our support. Animated by these sentiments I shall vote against the amendment, and for the bill as it came from the representatives of the people.

[Senator Buckalew on the Sherman amendment.]

The operation of his (Sherman's) amendment, therefore, when it comes to be applied practically, may be found to nullify the proposed law, or to embarrass the Government in the transaction of public business. * * *

Upon these considerations, in my judgment, it is perfectly clear that if we pass this bill at all, we ought not to incumber and embarrass it with the amendment of the Senator from Ohio.

[Actions had upon the bill.]

Amendment rejected. (See Congressional Globe, vol. 68, June 24, 1868, pages 3424 and 3429, inclusive.)

The bill passed the Senate as it came from the House—yeas 26, nays 11.

On July 1, 1868, five days after the passage of the bill in the Senate, Mr. Conness submitted the following resolution in the Senate, which was unanimously adopted, to wit:

Resolved, That the President be requested to direct the heads of the several Departments of the Government to promulgate the law limiting the hours of labor recently enacted, with such regulations as will lead to an immediate compliance with the law.

Extracts from the debates in the Senate on the question of the adoption of House Resolution No. 47, which was incorporated in section 2 of the sundry civil bill, passed on the 18th of May, 1872.

(See vol. 87, Congressional Globe, second session Forty-second Congress, page 124. See section 2, p. 2, Report.)

[Remarks of Mr. Morton.]

Mr. President, I desire to make one suggestion in reply to the Senator from Connecticut, as to what was the understanding here when the eight-hour law passed. My recollection is that the Senator from Ohio, sitting behind me (Mr. Sherman), of-

fered an amendment to that bill for the purpose of testing the sense of the Senate as to whether there should be a full day's wages paid for eight hours' work, or only eight hours' labor paid for. My recollection is that the question was distinctly presented in that amendment, which was voted down by a very decided majority.

[Mr. Sumner, on the same resolution.]

It is unquestionably an act of justice. These workmen are out of their money. Some of them are dead, and are represented by their families, and to them this small allowance is of very great importance. I do not think it advisable for us to take more time; I think we fairly owe the money, and therefore the sooner we pay it the better.

HOUSE.

[Remarks of Mr. Robeson.]

Mr. Speaker, I favor this law because it is only the enforcement of a statute which is written upon the statute book of this country, and has been there for many years, and which, when it was passed with a full understanding of all its scope and meaning, and was a full notice to the country and all the Departments of the Government, and to everybody that was employed under it; therefore, sir, I am in favor, as long as it stands upon the statute book, of executing it by all the powers of the Government.

[Remarks of Mr. Wright, of Pennsylvania.]

I did not introduce this bill, but I am its advocate, and I will stand by it from the beginning to the end, according to the law. In plain language, the law is written in these words:

"Eight hours shall constitute a day's work by all laborers, workmen, and mechanics who may be employed by, or in behalf of, the Government of the United States."

Is there any difficulty in putting a construction upon that language? It is written as plainly as the English language can express an idea, and it does me good when the ex-Secretary of the Navy rises in his place on this floor and states that while he had charge of that Department he carried out the law. Ordinarily we do not give men credit for carrying out the law, but here there has been an attempt to evade the law; and it has been wantonly done. Gentlemen must not tell me that the Supreme Court have decided that this law does not mean eight hours for a day's work. All that the Court has said is that a man who does the labor may take a special contract, and is bound by it; that is what the Court has decided. With regard to the character of this law, if it be not the law of the land, strike it from your statute book, but do not evade it, do not attempt to get around it because it favors a class of men who have not the means to defend themselves in courts of justice, or have not the money to come here and lobby this House for the purpose of protecting their own rights. Let the law stand, or let the law be repealed. It has been here for a period of some twelve years, for I think the law was passed in 1868. It has been regarded as almost a dead letter upon the statute book. I tell you that a construction against labor and laboring men, in the manner in which this thing is done, is wrong; and I tell you so before God and in the sight of all men that that law should be carried out and enforced.

[References.]

(See also Wright, Phillips, Page, and Willis—pages 4542 to 4547, inclusive.)

Passed under suspension of the rules, on the 14th of June, 1880, by yeas 130, nays 51.

(Extracts from the speech of Mr. Tillman, of South Carolina, on the eight-hour bill, in second session Forty-sixth Congress, Congressional Globe, vol. 44, pages 4542 and 4543. See also Appendix.)

[Resolution as follows.]

Resolved, That according to the true intent and meaning of Sec. 3733 of the Revised Statutes, all laborers, workmen, and mechanics employed by or on behalf of the Government shall hereafter receive a full day's pay for eight hours' work; and all heads of Departments, officers, and agents of the Government are hereby directed to enforce said law as herein interpreted.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 451.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany bill S. 1868.]

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 1868) providing for an extension of the Executive Mansion, has had the same under consideration, and submits the following report:

The committee has again, as in 1882, reached the unanimous conclusion to report the bill favorably, and they submit as their report thereon the statements made upon the same matter by Mr. Morrill, of Vermont, in the United States Senate, June 20, 1882.

The Committee on Public Buildings and Grounds have unanimously reported Senate bill for the extension of the Executive Mansion. The purpose is primarily to furnish the President of the United States, during his official term, with an appropriate dwelling place, in the appropriate place, and with the greatest possible economy. This it is proposed to accomplish by the erection of a building precisely similar in its exterior to the present, directly south of it, and connected with it from the center by a broad corridor, which will also furnish a *porte cochere* in the rear of the present building, and between the two, for the egress of the large crowds frequently assembled at official receptions, and furnish at the same time a private entrance to the new extension. For executive offices and public use exclusively, this will preserve the present Executive Mansion as it now stands, and the simplicity and excellence of its Palladian style of architecture will only be modified by being repeated in such a manner as to give emphasis and additional character to the whole structure. Even the admirable semicircular colonnade now on the south front will be preserved by being transferred to the south front of the new building, where it will present the same graceful appearance it does now. The present charming and very ample site will be further utilized without any additional cost for grading or planting, or for any other improvement or surroundings, save some changes of roadways. The site is near the summit of an elevation gently sloping toward the Potomac, and its attractive features, its tree-clad knolls, have long been noted for their great natural beauty. It belongs to the people, and its great merits, as when first pointed out by Washington, still stand unrivaled. By request, the Architect of the Capitol has made a preliminary sketch of the plan now presented which meets with his approval, and we feel sure every member of Congress knows how safely the judgment of this officer may be trusted, especially in matters of economy and in all that relates to so-called classic architecture. The engineer officer, Colonel Rockwell, in charge of the public buildings and grounds, after a careful examination, has earnestly recommended the plan, with minor modifications, to the President, who, having thoroughly studied it, transmitted it for the favorable consideration of the committee. It is believed that this solution of all questions about a new residence for the President and his family, and about changes in the Executive Mansion, will, when once understood, be accepted by Congress and by the public as the best possible arrangement of the whole matter.

Other plans may be suggested, and other plans have been suggested, but none of them, after investigation, have had much support. The one most often mooted has been the proposal to build a chateau upon some site to be purchased somewhere out of the city. This finds most favor, perhaps, with those who may have some interest in the disposal of eligible sites, and may, therefore, be quietly dismissed. It has also

been asked, why not place the new building on the ground directly in front of the present mansion? The answer is, that it would bring the new building—170 feet long by 86 feet wide—directly on the brink of Pennsylvania avenue with no adjacent grounds, hiding from view what the public will most want to see, the present Executive Mansion, and in no sense supplying the object sought, a private residence for the President. It has also been proposed to add two wings to the rear of the present building, but however ingeniously such wings might be contrived they must utterly fail to meet the requirements of a private residence, and would be a glaringly incongruous addition to the present building. It seems almost superfluous to further discuss absurd rival propositions, which are apt to multiply here with the fecundity of Surinam toads.

The argument in favor of a residence out of town, or for a "castle in Spain" for the President is, that it would be likely to have ample grounds, with abundant shade trees and be removed from the noise and bustle of the streets. In short, that it would, after the business of the day was over, offer a quiet retreat to the comforts of a private home.

The site now proposed brings with it all of these advantages, and without any labor or loss of time in reaching it. Shut off from Pennsylvania avenue by the present building on the north as it will be, and elsewhere surrounded by a broad expanse of open grounds, the new residence will stand in the center of a landscape of rare beauty, guarded at a distance upon the right and left flanks by the largest of our departmental buildings, and, though in the center of the capital, it will secure all the quietude that even weary statesmen may be supposed to covet. It will be approached by the opening of the street from Pennsylvania avenue to Seventeenth street, and by the handsome roadways on the east and west sides, not for those having ordinary missions of business but for those who may desire to call or who may be invited to call as friends.

The Presidential Mansion, begun in 1792, at the very dawn of our Government, and occupied since 1800, has been for these many years a subject of criticism for its inadequacy, its lack of modern improvement, and also as to its defective drainage. It was begun prior to the introduction of gas, and before much scientific attention had been given to such subjects as warming, ventilation, and drainage. As fine as the general proportions of the present building are, having been copied from the country house of the Duke of Leinster, a much more magnificent structure, modeled upon the plan of some more famous European palace, was originally favored by Jefferson. That remarkable woman, Mrs. John Adams, wrote in November, 1800, upon her arrival in Washington, that they found the house upon a grand and superb scale; but that bells were wholly wanting; that wood was not to be had, though surrounded with forests; that they could not use coal because they could not get grates; and that the great unfinished audience room they used as a drying-room to hang up clothes in. But still, she bravely said, "The situation is beautiful," and "capable of every improvement." Since then the world has moved, and neighbors to the "White House" are now to be found at a less distance than half a mile. With a national population more than ten times greater than we had in 1800, it is not to be wondered at that the structure should now be found to be insufficient. Under the instructions of the President the engineer officer in charge, reported, April 10, 1882, as follows:

"The importance and necessity of such action are manifest. The present mansion is old and dilapidated; its floors are sunken, its basement is coated with mold and infested with vermin, which it is impossible to exterminate. Whatever of the modern conveniences have been introduced, partake of the nature of patchwork, and are, at the best, greatly inadequate for the health and comfort of its occupants."

Beyond these undeniable facts, it is also well known that the gradual encroachment of executive offices in later times, together with the rooms set apart for the usual official receptions and entertainments, leave but a small and inferior portion of the Executive Mansion even nominally available for the use of the President and his family, and even that portion is subject to the perpetual intrusion and gaze of the public. There can be no privacy, save when the whole house is closed. Out of the thirty-one rooms in the White House, the family dining-room on the first floor, and six chambers on the second floor of the north front are all the Presidential family can call their own. There are few clerks of any of the Executive Departments who are not able to rent and occupy a larger number of rooms. The defective drainage of the basement story, notwithstanding the improvements of the sanitary condition of other parts of the house, has not yet been completely remedied. The household servants, therefore, cannot be furnished with appropriate, clean, and thoroughly healthy apartments until the whole interior of the basement shall have been removed and treated, perhaps, as recommended by Colonel Waring in his late report. More than two-thirds of the present building has now to be constantly surrendered to public use, and if the whole were to be appropriated to such use and to executive offices, it would be utilized, and then the basement, whether occupied or not, might be, at least, properly underdrained.

Any Senator who will be at the trouble to personally examine the White House from the bottom to the top, will not refuse additional quarters for the Chief Magistrate of the country.

The bill presented is very brief, and provides, as will be seen for an extension of the Executive Mansion in the manner already described. It is to be constructed under the direction of the President, the Secretary of the Treasury, and Secretary of the Interior, as a commission, and they are to select the most suitable material to be used, and make the contracts for its completion.

The appropriation proposed for this year is $300,000, and for its completion an additional appropriation will hereafter be required, but how much will depend upon the material used and the costliness of the interior finish. No extravagance is contemplated, and no more will be expended than may be found necessary to construct and finish the building in a thorough and workmanlike manner. It will take two years to complete the extension, and during its progress the occupancy of the present building will not be interrupted.

The crowned heads of European nations all have more than one residence. The Queen of Great Britain has five or six, either of palaces or castles. The King of Italy has a palace in almost every city of his kingdom. The Emperors of Germany, Austria, and Russia seem disposed to dwell apart from their people, often at a distance from their political capitals, but wherever they may be, they dwell amid wondrous piles of architecture, and not away from the pomp of an imperial retinue. They are expected to furnish the highest aristocratic examples of life. Louis XIV and Napoleon III exhausted France by their lavish expenditures on public buildings.

It is not proposed, however, that the President of the United States shall anywhere have a palace or a castle, but it would seem decent and proper that he should at least have one comfortable residence, and that such as would moderately befit his station and its requirements. His wife, should he be so fortunate as to have one, is for the time being the first lady of the Republic, and should have sufficient accommodations to extend the hospitalities ordained and offered by usage at the Executive Mansion, and as much of the usual comforts and conveniences as are found in the mansions of ordinary well-to-do citizens.

The American people are attached to the old "White House," to the present Executive Mansion, and to its site. The character it has acquired from historic associations of the men of early days, having been occupied by all of our Presidents, Washington alone excepted, makes it venerable, and lends additional charms to its classic proportions. Our citizens have long been wont to visit the place, and there to take by the hand such Chief Magistrates as Jefferson, Adams, Jackson, Lincoln, and Grant. They will not consent to surrender their prescriptive privilege to visit the President here for the drowsy chance of finding him not at home after a ride of miles away out of town. He must be accessible to members of Congress, to the people, and to those who go on foot; and we have never yet had a President who even desired a royal residence, or one so far removed as to be unapproachable save with a coach and four. Our institutions are all thoroughly republican in theory, and all will be agreed they should remain so in practice.

The unexaggerated statement of the facts here made will be a sufficient justification of the committee for their unanimous report of the bill now under consideration, and we feel very confident that they are sufficient to secure the favor of the Senate.

Sufficient explanation has been given to enable all to understand the merits of the present bill. The site is incomparably fine, free of cost, and the whole expense will be limited to the cost of the extension. There are no local constituencies pushing members here to remedy the notorious deficiencies of the White House, but we appeal to the consciences of the gentlemen on both sides of the chamber whether this measure has not equal or greater merits when compared with any in which their constituents have found a local and special interest.

Whether the present tenant of the White House shall remain there after the next election, or some gentleman with a greater or smaller family, from this or the other side of the chamber, or you, Mr. President, or some "dark horse" yet undiscovered, now roaming on hills or prairies, let us all agree that the Chief Magistrate of the United States shall have, not only in appearance but in fact a good, healthy, and convenient dwelling place.

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ONGRESS, } SENATE. { REPORT
Session. } { No. 452.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

WYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1526.]

mittee on Pensions, to whom was referred the bill (S. 1526) amend-
ctions 4756 and 4757 of the Revised Statutes, relating to pensions
tain disabled persons who have served in the Navy or Marine Corps,
examined the same, and report:

on 4756 provides for the payment of a pension out of the naval
fund to persons who "served as an *enlisted* person in the Navy
ne Corps," &c., and section 4757 provides for aid from that fund
ry disabled person who has served in the Navy or Marine Corps
listed man," &c. This bill is designed to cover the cases of
ho actually rendered the same service as appointed petty offi-
though not actually enlisted.

committee are in receipt of the following letter from the Navy
nent in regard to this bill, recommending it to the favorable
ration of Congress:

NAVY DEPARTMENT,
Washington, April 6, 1886.

have the honor to invite your attention to Senate Bill No. 1526, and to
nd it to the favorable consideration of the Committee on Pensions of the
tates Senate.

existing laws enlisted persons performing certain duties are entitled to
pensions when they become disabled, while persons performing the same du-
r appointments are deprived the benefits of such service.

ll has my heartiest commendation, as it will not only afford justice to a large
ery deserving persons, but will have the tendency to induce men of expe-
remain in the service, which will be of great advantage, particularly in view
ntemplated increase in the number and efficiency of vessels of war.

d earnestly invite the early consideration of the bill.

ry respectfully, your obedient servant,

W. C. WHITNEY,
Secretary of the Navy.

. I. MITCHELL,
Chairman of Committee on Pensions, United States Senate.

following letter also shows the necessity for this action, and the
lities of the present law:

UNITED STATES NAVAL HOSPITAL,
Norfolk, Va., April 1, 1886.

Senate bill 1526, referred to the Committee on Pensions, is one in which I with
fortunates take a very keen interest. Should its provisions become law a long-
justice would be done the "appointed petty officers" in the Navy apothe-
nd pay yeomen, who, owing to the vacillating policy of the Navy Depart-

ment in changing their status at frequent intervals, are entirely debarred from all benefits for long service.

I have served as an apothecary in the Navy a great many years, before, during, and since the late war, and yet have no claim now that I have grown old. There are many others similarly situated and to whom the passage of the above bill, 1526, would afford relief.

For myself and others, I most respectfully ask your favorable consideration and support when the bill is before you for action.

I have the honor to be, most respectfully, your obedient servant,

R. S. BARRY,
Apothecary, United States Navy.

The amendment proposed in this bill will cover but a comparatively small number of cases, but it will save your committee the trouble of considering special bills in their behalf, and as it seems to be in the line of previous legislation, as well as but an act of simple justice to old servants of the Government, we report back the bill with a recommendation that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 453.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 861.]

The Committee on Pensions, to whom was referred the bill (S. 861) granting a pension to John B. Skaggs, have examined the same, and report:

The petitioner alleges that while on duty in the Quartermaster's Department, near the State capital building in Nashville, Tenn., he received severe injuries by the running away of his six-mule team; that these injuries consisted of fracture of the right arm and hernia of the left side. This occurred on November 3, 1862. He was taken to his home, New Albany, Ind., on the 7th day of the same month, where he was treated by Dr. Gibbs, who died in 1871 or 1872. He has not been treated by any other physician, and cannot furnish medical testimony. He furnishes the testimony of reputable citizens in support of his statement, and to the effect that he is a worthy and reliable man. His application was rejected by the Pension Office on the ground that he was a civilian employé of the Quartermaster's Department, and not entitled to a pension under existing laws.

The committee report the bill favorably, with the recommendation that it do pass.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 454.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1399.]

The Committee on Pensions, to whom was referred the bill (S. 1399) granting an increase of pension to John Moore, have examined the same, and report:

The applicant in this case enlisted on the 13th day of August, 1862, in Company A, Tenth Regiment Indiana Volunteers, and was afterwards transferred to the Fifty-eighth Indiana Veteran Volunteers, from which he was discharged June 4, 1865. On the 27th day of March, 1864, while with his regiment at Ringgold, Ga., he was vaccinated for the prevention of small-pox. A disabilility immediately followed, caused by the impurity of the vaccine matter. In June, 1865, he was allowed a pension of $2 per month, and on December 10, 1883, it was increased to $6 per month. He now petitions Congress for a pension of $24 a month, in lieu of the pension he is receiving now.

The history of the case, verified by the records and medical testimony, shows that he was a sound man at the time of his enlistment; that his face, arms, legs, and other parts of his body are literally covered with loathsome and offensive sores, which render him totally unable to engage in any employment whereby he may gain a support, and that this condition is the result of impure vaccination. It is in evidence that he is a worthy, respectable man, and in extreme poverty.

The bill is reported to the Senate with the recommendation that it do pass.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 455.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 948.]

The Committee on Pensions, to whom was referred the bill (S. 948) granting a pension to Joseph S. Moody, have examined the same, and report:

The petitioner enlisted in Company B, Fourth United States Infantry, October 20, 1845, and was discharged October 20, 1850. He alleges that his disability is the result of measles and a wound received in the battle of Molino del Rey, Mexico. In his advanced years he finds himself broken in health and poor.

The committee report the bill favorably, with a recommendation that it do pass.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 456.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1326.]

The Committee on Pensions, to whom was referred the bill (S. 1326) granting a pension to Caroline E. Pratt, have examined the same, and report:

The husband of the petitioner was James A. Pratt, major of the Fifty-third Regiment Massachusetts Volunteers. It is in evidence that he was a sound man before he entered the service; that about December 1, 1862, while in the line of his duty, he took cold, from which chronic laryngitis ensued, and which resulted in his death. The application for pension was disallowed on the ground that the throat affection was cancerous. On this point Dr. McCallister, who attended the patient in hospital at Boston, Mass., testifies that he treated him from his discharge in September, 1863, until he entered the hospital in 1870, for inflammation of the throat, and that the officer's death resulted directly from this disease, contracted as aforesaid. He testifies that he is informed that objection is made to granting a pension on the ground that death resulted from cancer. Affiant treated him for more than three years and made frequent examinations of the throat, and in his opinion it was the beginning of a severe case of laryngitis, and if there was a cancerous formation it was caused by the inflammation of the throat, which accompanied and was the result of the cold contracted in the service.

There is voluminous and corroborative testimony of accredited physicians on this subject, convincing to the committee that the officer died of disease contracted in the service as claimed.

The bill is therefore reported favorably, with the recommendation that it do pass.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 457.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bills 1398.]

The Committee on Pensions, to whom was referred the bill (S. 1398) granting a pension to Milton P. Shockley, have examined the same, and report:

That it appears from the evidence in this case that the claimant was a private in Company C, Second Regiment Ohio Volunteers, Mexican war, and that he enlisted June 6, 1846, and was discharged for disability December, 1846. Declaration for pension filed May 3, 1883, alleging scurvy and its effects, consequent upon service in Mexican war.

Claim rejected April 2, 1885, on ground of "no record; no satisfactory evidence of origin of disability in service in line of duty."

The certificate of Robert McNeil, assistant surgeon Second Regiment Ohio Volunteers, Mexican war, dated September 7, 1846, recommends discharge of Private Milton P. Shockley, on account of "chronic pleurisy and affection of chest."

The affidavit of Hezekiah Heldebrant, dated February 6, 1866, says that he knew claimant when he enlisted in Company C, Second Ohio Volunteers, Mexican war, in June, 1846; that he was then stout and able-bodied, and continued so until August, 1846, when claimant had measles and took cold; this was followed by chronic diarrhea, and that claimant was discharged because of his disability about September or October of same year, and that affiant waited upon claimant during his sickness.

The affidavit of Harrison Dryden, dated June 1, 1883, says that he has known claimant from his birth; knew that he went to Mexico during the Mexican war; that prior to that time claimant enjoyed good health, was strong and industrious. After his return from Mexico he saw claimant almost daily, and saw that he did not have full use of his legs; he seemed partially paralyzed in lower extremities. Claimant has grown steadily worse until now. For the last nine years he has been unable to perform any manual labor and could not walk at all, and has entirely lost his hearing, and all this time has been a charge upon his family or friends.

The affidavit of John G. Rayburn, dated July 5, 1883, states that he has known claimant since before the Mexican war; knows he enlisted and went to Mexico, and came back in about six months, having been discharged for disability. Knew that claimant had good health prior to enlistment, and after his return from Mexico complained of being sick, and could not work much immediately after his return from Mexico.

The affidavit of Joseph Jennings, dated May 12, 1883, states that affiant was in the same company and regiment with claimant in Mexican war, and knew that claimant was a healthy man until the sickness came on him, and that claimant was discharged on certificate of disability. Saw claimant next in 1861 or 1862; claimant then complained of being sick, and said that the sickness originated in Mexican war; claimant was at that time partially deaf, and affiant thought claimant had rheumatism.

The affidavit of Sylvester Foster, dated May 24, 1883, states that affiant was in the same company and regiment with claimant in the Mexican war. Knew claimant was healthy until August or September, 1846, when claimant was taken with fever, and was sick several weeks, and it was believed that claimant would never be well there, and he was discharged for disability.

The affidavit of C. W. Fenner, dated July 16, 1883, states that affiant knew claimant before the war with Mexico; knew claimant to be a robust man; saw him immediately after his return from the Mexican war, and he was then almost a helpless invalid. Noticed claimant especially at that time because he came to affiant's house to see affiant's mother about affiant's brother who died in hospital in Mexico before claimant was discharged. Claimant was at that time somewhat paralyzed in his lower extremities. Has seen claimant frequently since that time and he has never been able to do the work of a healthy man. The disease has steadily progressed, and for a number of years claimant has been helpless, his lower limbs paralyzed, and he has been deaf.

The affidavit of J. W. Rogers, dated February 10, 1886, states that affiant has known claimant for the last twenty-three years; that up to eleven years ago claimant was much crippled in his feet and legs; that for the last nine years claimant could not work at all, and has to be lifted in and out of bed; that claimant is entirely deaf, and blind in one eye; that he has no means to support him, and unless he is pensioned he will soon be an object of charity.

The affidavit of Charles R. Clarke, dated February 9, 1886, states that affiant has known claimant for forty years. Saw him when he left Ohio for Mexico in 1846; that he was then a healthy man; has seen claimant often since; for the past ten years he has been confined to his room, and is helpless so far as the use of his legs is concerned; that claimant has no means for his support; claimant has always told him that his legs have troubled him ever since his return from Mexico; he is entirely deaf, and has been so for eight years.

The affidavit of Eliza Sheely, dated February 13, 1886, states that he has known claimant several years; that he worked with him at his trade (plastering); that he followed his work for some time while he was compelled to lean against something in order to stand, and long after he could not either get in or out of a wagon. "I know that he is entirely helpless, and unless pensioned will be thrown upon charity."

Affidavit of Joseph Satchell, dated February 15, 1886, corroborates statements as to claimant's helplessness, and adds that the Masonic fraternity, of which claimant is a member, has already assisted him from time to time.

The affidavit of John Shearer, dated July 13, 1883, corroborates statements of claimant's helplessness.

The affidavit of I. W. H. Vest, M. D., dated June 4, 1883, states that he was claimant's family physician from 1856 to 1875; that he treated claimant for partial paralysis, which progressed steadily till he lost power to walk and hearing and speech, and that he cannot talk and

is confined to his room by reason of these diseases; that he has been in this condition since June, 1875.

The affidavit of J. E. Tribbet, M. D., dated July 30, 1883, states that he has been claimant's family physician since fall of 1873; that he has paralysis, which has increased so that it is now complete, and claimant cannot walk, and that his hearing is gone. The affidavit of George W. Wilson, M. D., dated June 4, 1883, corroborates the above. The certificate of the examining surgeon, dated July 18, 1883, states that claimant has complete paralysis of the lower limbs of nine years' standing, involuntary movements from bowels and bladder, complete deafness, and chronic disease of right eye. "Applicant is wholly and permanently disabled." Signed, B. Carver, examining surgeon.

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 458.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1170.]

The Committee on Pensions, to whom was referred the bill (S. 1170) granting a pension to Nancy C. Smith, have examined the same, and report:

The applicant in this case claims that her husband, Jeptha V. Smith, was a soldier in the war of 1812; that he first served in Capt. Ben. Henry's company, Georgia militia, and subsequently in James Merriwether's company, and that he was honorably discharged. There is no record testimony in support of the claim; but Nathan H. Phillips, who was a member of Henry's company, and to whom a pension was granted, testifies that he distinctly remembers Jeptha V. Smith as a member of Captain Henry's company, and that at a later period he served in the company of Captain Thomas, and that he was regularly discharged in February or March, 1815. The affiant swears positively to his intimate acquaintance with Jeptha V. Smith, and that he was the husband of the applicant.

Jordan Smith, a member of Captain Thomas's company, and a pensioner under act of February 14, 1871, testifies that Jeptha V. Smith was a member of same company with affiant, and served the full term, which was about four months.

William Hightower, a soldier in the Georgia militia, and a pensioner, testifies that he was well acquainted with Jeptha V. Smith, husband of Nancy C. Smith; that claimant's husband was in the service; that they did not belong to the same regiment, but that he frequently saw him, and that he belonged to a musket regiment.

The parole testimony is not specific as to dates, nor is there any proof that the soldier was mustered in or mustered out, but the recollection of these three is positive and corroborative as to the fact that the husband of the claimant was their comrade in arms in the war of 1812. The application is rejected by the Commissioner of Pensions in consequence of the absence of record testimony. It is apparent that the muster-rolls of that period are defective, and the committee do not feel justified in ignoring the competent proof of the associates of the husband of the claimant. The claimant is very aged and needy.

In view of these facts we recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 459.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1098.]

The Committee on Pensions, to whom was referred the bill (S. 1098) granting a pension to Hugh R. Duke, have examined the same, and report:

That the records on file in this case show that Hugh R. Duke was a private in Company K, Seventh Regular Iowa Volunteers, and was enlisted July 19, 1861, and was mustered out of the service July 12, 1865.

Declaration for pension filed January 25, 1882, alleging rheumatism contracted in service.

Claim rejected March 12, 1885, on the ground that there is no record of alleged rheumatism, and claimant declares his inability to furnish medical evidence of treatment for same while in service.

Affidavit of claimant dated July 28, 1884, states that he was much exposed during the siege of Corinth while lying in breastworks in rainy weather in May, 1862, and that he has had rheumatism more or less severely ever since.

Claimant's affidavit is corroborated by affidavit of James M. Campbell, dated July 14, 1884, that he was a member of the same company and regiment, and also knew claimant prior to enlistment; that before enlistment he had no rheumatism, but that while in the Army claimant contracted rheumatism, and has had it ever since. Also by affidavit of Jacob H. Black, dated February 23, 1883, that he knew claimant well before the war, and he was then a stout, rugged man, without any disability. Also by affidavit of B. B. Burris, dated February 13, 1883, corroborating the above. Also by affidavit of Stephen Burris, dated July 17, 1884, that he knew claimant at least three years before the war, and knew he was free from rheumatism then. Also by the affidavit of M. T. Martin, M. D., dated July 28, 1884, that he had treated claimant for about three years since the war as family physician; that claimant had rheumatism affecting his back and left side about the heart, and sometimes so severely as to prevent locomotion for several days together. Also by affidavit of R. H. Payne, M. D., dated Ooctber 31, 1884, who was his family physician from 1874 to 1880, and who treated him during that time, frequently for rheumatism, and that he was disabled from this cause as much as one-half his time; has known him to be helpless from this disease at least one week at a time.

The examining surgeon's certificate, dated March 8, 1882, says "claimant has lumbago, *which originated in* service."

Also examining surgeons' certificate, dated May 9, 1883, in which they state that claimant had an intermittent pulse skipping every tenth beat, and that there were symptoms of heart disease. We think he is half disabled by rheumatism of back and heart. They rate his disability one-half. It is signed by T. J. Simmons, J. W. Cully, and W. H. Gibbon.

Taking into consideration all the evidence filed in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 460.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1438.]

The Committee on Pensions, to whom was referred the bill (S. 1438) granting a pension to Isom Wilkerson, have examined the same, and report:

Isom Wilkerson was a private in Company I, California Cavalry. His claim for a pension is based on an injury to the left leg, incurred in the line of duty on a march to Fort McDermit, in the State of Nevada, on arrival at which point he was treated for necrosis of the shin-bone. He alleges that there was no hospital, and that he was treated in the captain's tent by Dr. Spalding.

The report of the Adjutant-General shows that the claimant was enrolled on the 17th day of November, 1864, at Camp Bidwell, to serve three years. On muster-roll of company for November and December, 1864, present, and so borne to August 31, 1865. September and October, 1865, present, sick in quarters, and so borne to April 30, 1866. Mustered out with company June 24, 1866.

Several witnesses testify that the claimant was sound before enlistment. Surgeon Z. W. Spalding testifies that in September, 1865, he was assistant surgeon, United States Army, and connected with Captain Doty's Second California Cavalry. During that month he treated claimant for malignant ulceration and inflammation of left leg, about midway between knee and ankle. Believes that necrosis of the shin-bone had supervened, and that the disability was permanent. The injury, it appears, occurred on the march, the claimant having been dismounted on account of the disability of the horses, and it was aggravated by wading through alkali water. The hurt is admitted to be incurable, and the soldier has long been reduced to an almost helpless condition. The ground of rejection is based upon the fact that Surgeon Spalding was a "contract physician"; that his contract was annulled; that the claimant is not able to procure proof from officers and comrades, and that he alleges that he was treated in a Catholic hospital in San Francisco, whereas there was no Catholic hospital in that city. The office procured statements certifying to the reliability of Surgeon Spalding. It is beyond a question true that the injury was received in the line of duty, and that the soldier is unable to labor for his subsistence. In the opinion of the committee the absence of testimony, which the claimant avers he is unable to procure, is not fatal, nor is the religious character of the hospital in which he claims to have been received material.

The passage of the bill is recommended.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 461.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 787.]

The Committee on Pensions, to whom was referred the bill (S. 787) granting a pension to Reuben Farnum, have examined the same, and report:

That the records in this case show that Reuben Farnum, private of Company E, Thirteenth Iowa Volunteers, was drafted into the military service of the United States November 3, 1864, and was honorably discharged at the expiration of term of service, July 21, 1865.

Declaration for pension filed January 20, 1871, alleges a fall and consequent rupture, near Decatur, Ala., some time in December, 1864; claim rejected April 14, 1880, on the grounds "that the alleged disability existed prior to enlistment, according to claimant's own admission." Claimant's affidavit, dated January 10, 1880, admits the existence of a slight rupture since 1860, and that he has not been able to do ordinary manual labor since that time, although he run a sawmill then, which he could not do after the war; that early in the war he attempted to enlist, but was rejected by examining surgeon on account of the rupture; that when he was drafted he called the examining surgeon's attention to the hernia, but it was not believed to be sufficient to excuse claimant from military duty, and that he did full duty until the date given above.

Claimant's statement is corroborated by affidavit of Benjamin A. South, a private in same company and regiment, who swears to a knowledge of the injury alleged, and that it did increase the rupture; that he knew claimant did all duty required of him before the injury was received, but that afterwards claimant could not wear his cartridge-belt, or do the duty which he had done before, because of the increased rupture.

The affidavit of P. A. Farnum, wife of claimant, states that claimant had a very slight rupture before he was drafted, but that when he returned to his home the rupture was much increased in size; that before he was drafted he supported her by his labor and could do work quite well, but that since his return from the Army there had been "weeks at a time" when he could not work because of the rupture, and that she had often been compelled to work to prevent herself and husband from want.

Affidavit of Martha Gallagher, dated February 18, 1880, corroborates the foregoing; also, the affidavit of Francis Farnum, dated February 9, 1880.

The affidavit of Samuel Zousey, dated February 18, 1880, corroborates the foregoing, and states, further, that he hired claimant to do work for him, but that claimant was unable to do it because of the rupture, and he was compelled to relinguish the job; also, that claimant at other times, and under favorable circumstances, could not do the work assigned him.

The affidavit of Samuel A. Farnum, dated February 9, 1880, corroborates the statement that claimant was much worse after enlistment than before.

Therefore, taking into consideration all the evidence filed, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 462.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 786.]

The Committee on Pensions, to whom was referred the bill (S. 786) granting a pension to James C. Ledbetter, have examined the same, and report:

That it appears from the records in this case that James C. Ledbetter was a private in Company C, Fourth Regiment Illinois Volunteers, in the war with Mexico, enrolled at Springfield, Ill., June 13, 1846; that he is reported on the company roll until discharged for "disability" at Matamoros, Mexico, October 6, 1846.

Declaration for pension filed July 21, 1883, alleging hernia on right side, which has gradually grown worse from the time of injury until the present time. Claim rejected November 16, 1885, on the ground that there is no record of alleged hernia, and claimant unable to furnish satisfactory evidence of origin in service and line of duty.

Claimant states under oath that the officers of his company and the surgeon of regiment are dead.

The claimant's affidavit is corroborated by affidavit of George Carver, dated June 26, 1885, who served with claimant in the same company and regiment in the Mexican war, and that he knows that he did receive the rupture as stated—that is, in lifting a heavy load while clearing a drill-ground at Camp Patterson, on the Rio Grande, while in the line of his duty, some time in August, 1846; that he was present and saw the injury at the time, saw the swelling made by the rupture, and that prior to said injury claimant was a stout, able-bodied man. Also, the affidavit of R. H. Stewart, dated March 5, 1884, who was in the same company and regiment with claimant, and recollects all the circumstances of the case, and that claimant was discharged from the Mexican army because of the disability following the rupture. Also, the affidavit of Robert Warwick, dated April 8, 1884, who was in same company and regiment with claimant, and who was with him when he received the injury, and saw him lift the load which produced the rupture, which was on claimant's right side. Also, the affidavit of George W. Young, dated December 10, 1883, who became acquainted with claimant immediately after his return from Mexico, and also lived near him and worked with him nearly all the time until 1879, and knew that he was ruptured when he returned from Mexico and has been ruptured ever since, and that because of the rupture is unable to do a man's work. Also, the affidavit of Daniel Bowyer, dated November 23, 1883, corroborating the above.

It is further shown from the records of the Adjutant-General's Of that James E. Ledbetter was enlisted as a private in Company I, S enth Regiment Illinois Cavalry on September 3, 1861; that he ser with that regiment until January 23, 1862, when claimant was dischar for "disability." Claimant's affidavit concerning his second enlistm states that he served in the company and regiment until he received injury on the skirmish line at Corinth, Miss., in the spring of 18 that being on duty in the night his horse stumbled, which, he says, jured him so much that he could do no further duty because of the p in the hernia, and that work of any kind causes the rupture to co down and makes him sick.

The certificate of examining surgeons, dated September 5, 1883, sta that—

> We find evidence of alleged disability in bowel and omentum passing along ri inguinal canal into scrotum when not retained by truss, and that disability was curred in service as claimed, and that his disability is one-half.

The certificate is signed by A. H. Fabsigan, A. W. McCoy, and Jo H. Russell, examining surgeons.

Taking into consideration all the evidence filed, your committee lieve it to be their duty to report in favor of this bill, and recomme its passage.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 463.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6339.]

The Committee on Pensions, to whom was referred the bill (H. R. 6339) for the relief of Harrison W. Moore, have examined the same, and report:

The main facts in this case are stated in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1207), and, believing the conclusions reached thereon are correct, your committee adopt the same, and report back the bill, and recommend that it do pass.

That Harrison W. Moore enlisted August 26, 1861, in Company A, First Wisconsin Cavalry, and was discharged for disability September 11, 1862. He filed declaration for pension February 10, 1881, for chronic pulmonary affection of lungs, result of injury and exposure during an engagement at White Water, Mo., April, 1862. His claim was rejected January 13, 1883, on the ground "that disability existed prior to enlistment."

This is the only point in the case, and the testimony relating thereto is voluminous, two special examinations having been ordered and held at the homes of the various witnesses. These examinations appear to have been thorough, and resulted, the first, in a recommendation of the examiner that the claim be admitted for approval. The last examiner made no recommendation, and the claim was finally rejected because of the record evidence of prior unsoundness in the certificate of discharge. It appears, however, from the history of the case, that the officer who appears to have signed the certificate had no personal knowledge of the claimant before he enlisted, or that he had lung disease while in the service, and, further, that he did not sign the certificate. This, to say the least, is suggestive of great irregularity, and such record evidence ought not to have the weight seemingly accorded to it.

Col. Edward Daniels, of claimant's regiment, testifies that he was acquainted with Moore at the time of his enlistment, and knew him to be a sound man; that he was rigidly and critically examined by a surgeon of the United States Army prior to his muster, and was passed as sound, bodily and physically.

Lieut. Edwin F. Brooks, of claimant's regiment, testifies to the same effect as Colonel Daniels.

Private John R. Goble also testifies to an acquaintance with said Moore; that he was at enlistment in excellent health; that he passed a rigorous examination by the surgeon previous to muster; that very many men were rejected at that examination.

Similar and corroborative testimony as to soundness at time of enlistment is given by other comrades and numerous acquaintances.

That claimant is suffering from disability is established by the board of examining surgeons, who say he has lung difficulty, and rate him at $\frac{1}{10}$. That his present disability is the result of his military service seems to your committee to be clearly established. We therefore amend the bill by striking out all after the two first lines, and inserting "That the Secretary of the Interior be, and he is hereby, instructed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harrison W. Moore, late private, Company A, First Regiment Wisconsin Cavalry Volunteers," and that the bill so amended do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 464.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany resolution of the select and common councils of Philadelphia, in favor of the removal of the walls inclosing the Bridesburg and Schuylkill arsenals and the Naval Asylum, and the replacement of iron railings therefor.]

The Committee on Military Affairs, to whom was referred the resolution adopted by the select and common councils of Philadelphia, in favor of the removal of walls inclosing the Bridesburg and Schuylkill arsenals and the Naval Asylum, and the replacement of iron railings therefor, having had the same under consideration, beg leave to submit the following report:

From the accompanying letters of the Secretary of War, to whom the matter was referred for investigation, it will be seen that he recommends that action by Congress on this subject be deferred until the question of the selection of a site for a gun factory (which is now being considered by Congress), be determined, and that he states that it is among the possibilities that the Frankford Arsenal may be selected for that purpose on account of its excellent location in the midst of a mineral country and a manufacturing community. The Secretary also suggests that the large expenditure of money which would be required for the removal of the wall and its replacement by an iron fence might not be necessary should the whole character of the work at this arsenal be changed.

Your committee therefore ask to be discharged from the consideration of the resolution for the time being, and should the Frankford Arsenal not be selected, as above intimated, your committee will then give the subject further consideration.

WAR DEPARTMENT,
Washington City, March 9, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of the 8th ultimo, inclosing a copy of the resolutions of the council of the city of Philadelphia relative to the removal of the stone wall which surrounds the grounds of the Frankford Arsenal and replacing the same by an iron railing, in which you state that if I will recommend to Congress what is asked for in the resolution the residents of that neighborhood will be very much gratified.

In reply I beg to inclose herewith a report (with copies of accompanying papers) upon the subject made by the Chief of Ordnance, under date of the 26th ultimo, from which it will be seen that the large sum of $37,664 would be required to replace the stone wall, 1,942 feet long, by an iron fence. This would be wholly in the interest o

the people of the vicinity, while the actual wants of the Government would be b subserved by a smaller appropriation to replace the old fence which divides t grounds from the adjacent property.

It is among the possibilities that the Frankford Arsenal may be selected by Co gress for a gun factory, because of its excellent location in the midst of a mine country and a manufacturing community, and it would therefore seem that the tion of Congress relative to the selection of the gun factory be awaited before maki such a considerable expenditure as the removal of the wall and its replacement by iron fence would involve. Such an outlay might not be necessary should the wh character of the work at the Frankford Arsenal be changed.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War

Hon. J. D. CAMERON,
United States Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., February 26, 188

SIR: I have the honor to return letter from Senator J. D. Cameron inclosing co of resolution passed by the council of the city of Philadelphia relative to the moval of the stone wall now surrounding the grounds of the Frankford Arsenal replacing it with a neat iron railing, and to report:

Herewith is a map of the boundary lines of the arsenal. From A to B is a st wall on Tacony street: from D to E is a stone wall on Bridge street; from B to is a common board fence dividing the arsenal grounds from the adjacent property.

I invite attention to separate estimates for each, and to second indorsement by commanding officer of Frankford Arsenal.

The estimate No. 1 for the fence on the Tacony road, is the most important a costly, and the one which will give special relief to the people located in that cinity. The estimate is in detail, and amounts to $37,664, the length of wall bei 1,942 feet.

As regards the interest of Government, there is greater need for replacing the dividing board fence by a more permanent structure at a cost of $12,887.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance

The SECRETARY OF WAR.

WAR DEPARTMENT,
Washington City, March 20, 188

SIR: I am in receipt of your letter of the 6th instant inclosing, for the opinion this Department, a copy of the resolutions of the select and common councils of city of Philadelphia regarding the removal of the stone walls surrounding grounds of the Bridesburg and Schuylkill arsenals and Naval Asylum, and their placement by neat iron railings.

In reply I have the honor to advise you that so far as relates to the Frankford senal the Chief of Ordnance has already submitted a report, which was sent to on the 9th instant.

Respecting the Schuylkill Arsenal the Quartermaster-General reports, under d of the 16th instant, that "Congress, having in sundry civil bill of July 7, 1884, gran $20,000 for erecting a new wall and underpinning a part of the old wall on the so side of the Schuylkill Arsenal, and the work having been just completed, a cha cannot be recommended as necessary or useful to the service."

The resolutions above referred to are herewith returned, as requested.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance, and Acting Secretary of Wa

Hon. J. D. CAMERON,
United States Senate.

FRANKFORD ARSENAL, PA., *February* 20, 188

Respectfully returned to the Chief of Ordnance, U. S. Army, with the accompa ing map and itemized estimates.

The map gives the boundaries of the Frankford Arsenal grounds and the posit

of the structures upon them contiguous to the Tacony road, and which would be most affected by the proposed substitution of an open iron fence for the present stone wall.

The estimates are three in number, to wit:

(1) Improvement of Tacony street line, stone wall 1,942 feet long, to be replaced by on iron fence.

(2) Improvement on Division line from Tacony street to the Delaware River, now partly secured by a wooden fence 1,150 feet long, to be replaced by an iron fence.

(3) Improvement on Bridge street line, stone wall from main gate to the Frankford Creek, 609 feet long, to be replaced by an iron fence.

The estimated costs are, respectively:

(1)	$37,664
(2)	12,887
(3)	11,883
Total	62,434

This is over and above the value of all the serviceable material in the present stone wall which it is contemplated can and should be used for the new foundations of iron fences, and the cost of the latter is based upon constructions uniform with the present iron fence on Bridge street.

The division line (2), however, it would seem should be a neat stone wall costing much less than an iron fence, as the outlook from the northeast side of the grounds is over unimproved lands now used for agricultural purposes.

The stone wall on Tacony street is substantial and serves well the present interests of the Government.

The proposed substitute would improve the street and also the other surroundings in this locality. The securement of necessary and desirable privacy now afforded by the stone wall would have to be obtained by other means in the event of its removal.

A paneled brick base-wall, say 4 feet high, surmounted by an iron railing, would be a more sightly construction and more desirable for privacy than the plain iron fence, but it would cost somewhat more.

What benefit to the United States, if any, would accrue by the proposed improvement can on consideration of the above facts be better determined by higher authority than the commanding officer of Frankford Arsenal.

P. CRISPIN,
Colonel of Ordnance, Commanding.

ESTIMATE NO. 1.

FRANKFORD ARSENAL, *February*, 1886.

Proposed improvement of Tacony street line, 1,942 *feet.*

Removing old wall and débris	$1,200
Grading and trenching for foundation, 4 by 2½ feet, 30 cents per yard	225
Mason work, at $1.50 per perch (stone on hand)	1,266
Granite sill stones, 12 by 14, for iron railing, laid, $4.50 per foot	8,739
Iron railing (same as on Bridge street), $6 per foot	11,652
Gate, complete (like front entrance)	500
Curbing, 8 by 24 inches, laid, $1.75 per foot	3,500
Gutters, 1 foot wide flagging, 30 cents per foot	582
Flag pavement 12 feet wide (city plan), 30 cents per square foot, laid	7,000
Grading, filling, gravel and sand	500
Consequential damages resulting from removing wall, coal storage, buildings, hot-houses, garden, and privacy for quarters and barracks	2,500
Total	37,664

N. B.—The necessary new foundations are contemplated to be built out of the material now in the present stone wall; new foundations being required to increase the width of Tacony street as contemplated by existing city plans.

ESTIMATE NO. 2.

FRANKFORD ARSENAL, *February*, 1886.

Proposed improvement of Division line from Tacony street to Bank, 1,150 *feet.*

Trenching, grading, &c., 4 by 2½ feet, 30 cents per cubic yard	$128
Mason work, at $1.50 per perch (materials on hand)	684
Sill stones laid (for railing), $4.50 fer foot	5,175
Iron railing, $6 per foot	6,900
	12,887

N. B.—Surplus serviceable material from old stone wall on Tacony and Bridge streets to be used for foundations.

ESTIMATE NO. 3.

FRANKFORD ARSENAL, *February*, 1886.

Proposed improvement of Bridge street line from gate to creek, 609 *feet.*

Removing wall	$500
Trenching and filling in to increased width of street	400
Stone foundation and abutment wall on the meadow to bank, mason work, at $1.50 per perch (material on hand)	850
Plank bottom in meadows (hemlock)	300
Sill stones laid, $4.50 per foot	2,740
Railing, $6 per foot	3,654
Curbing, 8 by 24 inches, $1.75 per foot, laid	1,065
Flag pavement, at 30 cents per foot, laid	2,192
Gutters, at 30 cents per foot, laid	182
Total	11,883

N. B.—New foundations, material to be furnished from the old stone wall, are required. (See note, Estimate No. 1.)

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 465.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1836.]

The Committee on Pensions, to whom was referred the bill (H. R. 1836) granting a pension to George Slack, have examined the same, and report:

That an examination of the record and evidence in this case verifies the report made to the House of Representatives by the Committee on Invalid Pensions of that body, and which is as follows:

The claimant, George Slack, a citizen of Brown County, Ohio, respectfully represents that during the late war he was a private in Company C, Eighty-ninth Regiment Ohio Volunteer Infantry, and served faithfully from the 1st day of August, 1862, up to — day of May, 1865, when he was honorably discharged from the service, and mustered out with his regiment at that time.

That while in said service, and when in the line of duty, he was injured in a railroad collision on the Knoxville and Chattanooga Railroad, near Cleveland, Tenn., and in which collision his right ankle was broken and very much injured otherwise. Claimant was then taken to the hospital at Cleveland, Tenn. This occurred on the 5th day of November, 1864. Claimant at that time was on detached duty from hospital at Chattanooga, and at the time of receiving said injury claimant was in the company of strangers, none of whom he ever knew, and none of whom belonged to his regiment. Claimant remained in the hospital at Cleveland, Tenn., from that time to the — day of March, 1865, during which time he was cared for and treated for his said broken ankle by the surgeon in charge, Dr. M. Meredith, who now resides at Vinton, Iowa.

Claimant was on the said — day of March discharged from said hospital and joined his regiment at Goldsborough, N. C., yet claimant's injured ankle was still much swollen and very weak, and so continued until he was discharged, and for a long time thereafter, and has continuously been weak, and at times painful and swollen, and to a great extent cripples and disables him. During the time claimant was in said hospital he was with entire strangers, none of whom he had ever met before.

Claimant now recollects of the names of but two persons who were in said hospital —to wit, William Near and Joseph Hood—but does not and cannot remember their address or the regiment to which they belonged. Therefore claimant cannot, and is unable to furnish the testimony of any comrade, soldier, officer, or citizen of or concerning the receiving of said injury, or of his treatment while in said hospital.

Claimant has written to Dr. M. Meredith, the surgeon who had charge of said hospital, for testimony concerning the same, and has secured from him a statement that all the records of said hospital from November 1, 1864, up to March, 1865, were destroyed, and that therefore no record, information, or evidence could be furnished of or concerning the patients in said hospital during that time.

Dr. Meredith writes to claimant that he has no distinct or personal recollection of his case, although he does distinctly recollect of several injured soldiers being brought to said hospital in November, 1864, and treated for fractures and injuries received in railroad collision near that point.

Claimant has filed the statement of Dr. Meredith in the Pension Office, as evidence on his application for pension No. 309782. Declaration for pension was filed—to the Commissioner of Pensions, but the same was rejected on the 14th day of September,

1885, on the grounds that claimant failed to furnish satisfactory evidence that the alleged injury was received in the service or line of duty.

Claimant has furnished full and ample proof of each and every thing necessary to entitle him to a pension, save and except the matters referred to, and claimant now refers to his application for pension, evidence, and affidavits of witnesses now on file in the office of the Commissioner of Pensions, and makes the same a part of this petition.

On account of his treatment in said hospital with strangers, and on account of the destruction of the records of said hospital, he is unable to furnish the evidence required by the Commissioner of Pensions, and he cannot furnish any evidence upon that point, only his own affidavit and the affidavits of comrades, as to the condition of his ankle when he joined his regiment in March, 1865, and as to its weak and crippled condition from that time to the present.

Claimant therefore prays that by special act of Congress he be granted a pension and that he be placed upon the pension-rolls of crippled and disabled soldiers of the United States of America.

We therefore recommend that tne bill do pass.

The bill is accordingly reported to the Senate, with a recommendation that it do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 466.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5678.]

The Committee on Pensions, to whom was referred the bill (H. R. 5678) granting a pension to Martha A. Marble, have examined the same, and report:

That after a careful examination they adopt the House report and recommend the passage of the bill.

Mrs. Martha A. Marble is the widow of George F. Marble, late hospital steward of Company C, First Regiment of Minnesota Infantry Volunteers. Her claim was rejected by the Pension Office on the ground that her said husband's death resulted from acute gastritis, not due to disease of lungs, for which he received a pension at the time of his death, July 4, 1884.

Claimant's husband was discharged on the 16th day of March, 1863, for incipient phthisis with bronchitis, contracted while in the service. Certificate of death given by Dr. J. W. Bryant, who attended him in his last sickness, that while he died of acute gastritis, he also suffered from chronic lung disease of several years' standing. The same physician testifies that he had previously treated soldier, and knew him for five years prior to his death to be diseased in his lungs to an extent rendering any other sickness very dangerous to him in consequence of the weak and debilitated condition of his lungs.

The widow's claim was favorably reported on by the legal reviewer of the Pension Office, but rejected on the recommendation of the medical reviewer.

Claimant has three children under the age of sixteen years, and dependent upon her for support and education. She is quite poor.

The committee, from the statement of the physician who attended claimant's husband in his last illness, believe that the lung trouble contracted in the service and in the line of duty was the remote cause of his death, and that his widow is entitled to a pension.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 467.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3919.]

The Committee on Pensions, to whom was referred the bill (H. R. 3919) granting a pension to Bridget O'Brien, have examined the same, and report:

The facts in this case are fully stated in the annexed report of the Committee on Invalid Pensions of the House of Representatives, in view of which we recommend the passage of the bill.

From a careful review of the voluminous testimony in this case on file in the Pension Office, your committee find that Bridget O'Brien is the widow of James O'Brien, late a member of Company I, Fourteenth Illinois Cavalry, who enlisted October 17, 1862, and was discharged July 31, 1865. He died October 26, 1876, of disease of bladder and kidneys. His widow filed her application for pension October 19, 1882, which was rejected April 17, 1885, "because of no medical record in service, nor for several years after discharge."

The following facts are very clearly proven by abundant and competent testimony: That claimant was sound, healthy, and strong prior to and during the first year of his service; that his service was constant and severe; that he was captured on the Stoneman raid in the rear of Atlanta in the summer of 1864, taken to the Andersonville prison-pen, and confined there for several months. On his return he was in feeble health, and so remained until his muster-out, frequently unable to perform duty, but not sent to hospital; hence, "no medical record in service." This is proven by affidavits of lieutenants and commander.

Continuance of disability and gradually failing health after discharge are fully proven by lay testimony up to 1870, and by medical testimony from that time to date of his death; and it is further proven that one Dr. Charlton, who is now dead, treated him from date of discharge until 1870.

From all the circumstances in this case, soldier's prior soundness, his arduous service, his sufferings in prison, his return therefrom enfeebled and broken in health, his continued disability, and final death, your committee believe that Congress should grant the relief which the strict letter of the law would not permit the Pension Department to give. They therefore recommend the passage of the bill.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 468.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committtee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3520.]

The Committee on Pensions, to whom was referred the bill (H. R. 3520) granting a pension to William H. Blake, have examined the same, and report:

The examination of the record and evidence in this case verifies the report made to the House of Representatives by the Committee on Invalid Pensions of that body, and which is as follows:

The only question involved in this case is whether the soldier was in line of duty at the time he received the gunshot wound for which he asks a pension. He enlisted October 5, 1861, and served faithfully until December 29, 1863, at which time he re-enlisted and was allowed a veteran's furlough for thirty days, commencing January 28, 1864, with orders to report at Joliet February 28, 1864. The company to which he belonged were armed with Henry rifles purchased and owned by the individual members of the company. On his way returning to the company he slipped and fell, causing an accidental discharge of his rifle, from which he received a severe wound in his foot, from which he has ever since suffered. The case was rejected in the Pension Office on the ground that being absent from his command on a furlough, he was not in the line of duty at the time he received the wound. He had once been slightly wounded in action. He had served for more than two years, and had re-enlisted for three years more or during the war. One of the inducements held out to the soldiers to induce them to re-enlist was that they should have a thirty days' furlough. Owning his rifle, it was perfectly proper that he should take it with him to his home. He was returning to his command within the time allowed, thus showing his intention to obey orders literally. Was he not, strictly speaking, in the line of duty? Taking into consideration the fact that for nearly twenty-seven months he had been a brave and faithful soldier, had been once wounded in action, had voluntarily re-enlisted as a veteran, we think the United States Government can afford to waive the technical question of whether the soldier was in the line of duty or not at the time he received his wound.

Your committee therefore report the bill with the recommendation that it be passed.

The bill is accordingly reported to the Senate, with a recommendation that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 469.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5193.]

The Committee on Pensions, to whom was referred the bill (H. R. 5193) granting a pension to Levi Koontz, have examined the same, and report:

That an examination of the evidence in this case verifies the report made to the House of Representatives by the Committee on Invalid Pensions of that body, and which is as follows:

We find that Levi Koontz is the father of Alfred Koontz, deceased, formerly of Company D, Thirty-ninth Iowa Volunteers; that the soldier in 1877 made application for a pension for hernia, which was allowed in 1878, the record evidence proving that he incurred the disability in the service. January 5, 1879, the soldier died. In 1883 his mother made application for a pension, but died before making the necessary proof. In 1884 claimant applied for a pension as dependent father. The physician who attended the soldier in his last sickness died before the mother made her application, and his evidence as to cause of death could not be obtained. His neighbors testify that the hernia was the cause of his death, and one of them, in his affidavit, says the physician told him (the affiant) that the soldier's death was caused by the hernia. During the war and up to his death he had contributed freely to the support of his mother and father. The father is now old and poor and unable to earn a living.

The bill asks that the arrears of pension which would have been paid the son had he lived be now paid to the father. This would be establishing a precedent entirely unwarranted by any existing law, or by any sound principle of equity. The son died before the arrears of pension act passed, and consequently could have acquired no rights under it. The evidence of the soldier's devotion to his parents and his willingness to contribute to their support is so strong that your committee feel that the father should be placed on the pension-roll as a dependent parent.

They therefore recommend the passage of the accompanying bill, H. R. 5193.

The bill is accordingly reported to the Senate with the recommendation that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 470.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3632.]

The Committee on Pensions, to whom was referred the bill (H. R. 3632) granting a pension to Mrs. Ada O. Krepps, have examined the same, and report:

That an examination of the record and evidence in this case verifies the report made to the House of Representatives by the Committee on Invalid Pensions of that body, and which is as follows:

John B. Krepps, the husband of the claimant, was first lieutenant Company K, Second Pennsylvania Heavy Artillery, and received two wounds in battle—one a gunshot wound of left wrist, and the other a gunshot wound of left hip—for which he was in receipt of a pension at the time of his death, which occurred January 9, 1881. The within claim for pension was rejected on the grounds that her husband's death from inanition was not shown to be the result of the wounds which he had received.

The testimony of Dr. Duncan, who for many years was this soldier's medical attendant, and whose standing is reported good, is to the effect that the soldier often complained to him of unnatural feeling and pain in his lower extremities, and that he was frequently obliged to get up and walk about during the night to relieve this. This feeling of numbness continued to increase until he eventually became paralyzed in the lower half of his body, dying of inanition. He states that the progress of the disease and the course it took showed plainly "progressive degeneration of some kind" in the spinal cord, which terminated fatally. He further states that the ball entered the left hip, was taken out on left side close to spinal column, as shown by the cicatrix, and that, in his opinion, the shock or concussion sustained by the spinal cord at time of being wounded was sufficient to interfere with the nutrition of the cord in after years so as to cause the fatal degenerative disease which caused his death.

Your committee are also of the opinion that the cause of this soldier's death was as is stated by Dr. Duncan—that it was the result of injuries received while in the line of duty—and they therefore recommend that his widow be placed on the pension-roll, and that the bill do pass.

The bill is accordingly reported to the Senate with a recommendation that it do pass.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 471.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3309.]

The Committee on Pensions, to whom was referred the bill (H. R. 3309) to increase the pension of Thomas Ward, have examined the same, and report:

That an examination of the evidence in this case verifies the report made to the House of Representatives by the Committee on Invalid Pensions of that body, and which is as follows:

This bill was favorably reported to the House in the Forty-eighth Congress and passed the House, and the report made in that Congress is adopted by this committee, and is as follows:

"This pensioner was wounded in front of Atlanta, Ga., and the left arm was amputated in consequence thereof. On this account he is now receiving a pension of $24 per month. He has proven that at the time he was discharged from the service, and ever since, he has suffered with chronic diarrhea, and that as a result of that disease he has suffered with enlargement of the liver, and paralysis of both legs has resulted, and he can move about now at all times with difficulty, and sometimes not at all.

"He is now allowed at the Pension Office all that can be given him unless he shows such a condition of total helplessness as to require the constant aid and attendance of another person. His condition is not such all the time, but the greater portion of the time it is."

In view of the foregoing facts, well established by the evidence of physicians who are attending him, as well as by other reputable testimony, this committee recommend the passage of said bill.

The bill is accordingly reported to the Senate with the recommendation that it do pass.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 472.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4835.]

The Committee on Pensions, to whom was referred the bill (H. R. 4835) granting a pension to John Pruitt, have examined the same, and report:

That an examination of the record and evidence in this case verifies the report made to the House of Representatives by the Committee on Invalid Pensions of that body, and which is as follows:

Your committee find that this soldier enlisted in Company H, Tenth Kansas Volunteers, November 21, 1861, and was discharged September 3, 1864. On the 17th day of October, 1870, he made application for pension, alleging disability from frozen feet received on January 3, 1864, near Nevada, Mo. This application was rejected on the ground that his disability was not incurred in the line of duty. The facts of this case, as appear from the testimony submitted, seem to be as follows:

On or about January 3, 1864, while on a march with his company from Fort Scott, Kans., to Sedalia, Mo., the claimant and a comrade obtained permission from a lieutenant of the company to leave the command for one night in order to visit some relatives who lived about 3 or 4 miles off the line of march, with the understanding that they were to rejoin the command on the following morning at a point further along the route. While going to pay the proposed visit the claimant and his companion lost their way in a furious snow-storm, which obscured the roads, and the result of the exposure then endured was the freezing of his feet, and the disability on account of which he claims the pension. He subsequently made application for pension on account of diseased eyes, which is not satisfactorily sustained by the evidence. The man is now totally blind, has lost a part of both feet, is very poor, and has a large family.

Your committee recommend the passage of the accompanying substitute.

The bill is accordingly reported to the Senate with a recommendation that it do pass.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 473.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5199.]

The Committee on Pensions, to whom was referred the bill (H.R. 5199) granting an increase of pension to Thomas G. Barton, have examined the same, and report:

That an examination of the facts in this case verifies the report made to the House of Representative by the Committee on Invalid Pensions of that body, and which is as follows:

We find that claimant was a private in Company C, Thirty-sixth Regiment Illinois Volunteers, and that in 1871 he applied for a pension on account of epilepsy. The evidence in the case was very strong, and pension was granted in 1872, and he was allowed $4 per month, which was afterwards increased to $8, the sum he is now receiving.

In April, 1870, while living near Williamsburg, in Franklin County, Kansas, a prairie fire broke out, threatening the destruction of his home. In trying to put it out he fell in a fit, and before he could be rescued he was so badly burned that it became necessary to amputate his left arm and a part of his right hand. The family are poor, and to add to his misfortunes his wife has entirely lost the sight of one eye and partially that of the other, rendering her unable to assist in the support of the family.

Rev. W. W. Curtis says of claimant: "He is a moral, temperate, Christian gentleman and a deserving citizen."

The connection between his present disability and that for which he is pensioned is very close, but not being a necessary result, the Department cannot grant the relief they otherwise would. That his terrible misfortune is the result of the disability contracted in the service is beyond doubt; nor could he be charged with negligence in exposing himself to the fire, knowing his condition, when it is taken into consideration that he was striving to save his little home from destruction.

Your committee recommend the passage of the accompanying bill.

The bill is accordingly reported to the Senate with a recommendation that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 474.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 805.]

The Committee on Pensions, to whom was referred the bill (H. R. 805) to increase the pension of James A. Underwood, have examined the same, and report:

That an examination of the evidence in this case verifies the report made to the House of Representatives by the Committee on Invalid Pensions of that body, which is as follows:

We find that claimant enlisted August 20, 1861, in Company B, Eighth Indiana Volunteers, and was discharged September 14, 1863.

February, 1864, he applied for a pension for loss of left arm at battle of Vicksburg, which was granted, and for which he is now receiving a pension of $24 per month.

May 22, 1885, he applied for an increase on account of chronic diarrhea and erysipelas, which was rejected on the ground that the combined disabilities were not equal to total inability to perform manual labor. Two of his neighbors swear that he is unable to perform any manual labor whatever. December 4, 1876, Dr. W. W. Spiers, United States medical examiner, says:

"I find that left forearm has been amputated at upper third; considerable sloughing has occurred from gangrene, leaving a stump with very tender cicatrix. Claimant states that two years ago an eruption broke out on his left arm and spread all over his body—continued nine weeks—was confined to his bed four weeks—muscles of leg were contracted—went on crutches for awhile. Last August eruption came out on biceps muscles of left arm; lasted two weeks; comes out in warm weather. I find no eruption now. I think it is not erysipelas, but a vesicular eruption resulting from chronic diarrhea. His gums are badly eaten by scurvy. There is not much emaciation, but his weight is some less than it ought to be. Rated total third grade for loss of arm and $4 for diarrhea."

June 24, 1885, the examining board at Ellsworth, Kans., report him suffering with chronic diarrhea, and recommend $4 per month in addition to his pension for loss of arm. The evidence shows that he is at times confined to his bed for weeks with chronic diarrhea and the resulting eruptions, which he calls erysipelas. The man is a complete wreck, and it would seem that the evidence would entitle him to the full rating given to those totally disabled for the performance of manual labor. The examining boards recommend $28 per month. There is no such rating provided by law. Your committee recommend the passage of the bill.

The bill is accordingly reported to the Senate, with the recommendation that it do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 475.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5191.]

The Committee on Pensions, to whom was referred the bill (H. R. 5191) to increase the pension of Patsey Jackson, have examined the same, and report:

That an examination of the record and evidence in this case verifies the report to the House of Representatives by the Committee on Invalid Pensions of that body, and which is as follows:

We find that Patsey Jackson is the widow of the late Brig. Gen. James S. Jackson, of the United States volunteer forces; that he was killed at the battle of Perryville, Ky., October 8, 1862; that she has received a pension at the rate of $30 per month since the date of his death. This bill asks that she be paid a pension of $50 per month. As Congress has repeatedly increased the pensions of widows of general officers to this amount, your committee recommend the passage of the accompanying bill.

The bill is accordingly reported to the Senate, with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 476.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3387.]

The Committee on Pensions, to whom was referred the bill (H. R. 3387) granting a pension to Sidney Sherwood, have examined the same, and report:

That an examination of the record and evidence in this case verifies the report made to the House of Representatives by the Committee on Invalid Pensions of that body, and which is as follows:

That Sidney Sherwood was drafted September 22, 1864, and mustered into Company E, Tenth Regiment Iowa Infantry, and was mustered out near Washington, D. C., May 29, 1865.

May 27, 1879, Elizabeth Sherwood, his wife and guardian, filed application for pension, alleging disease of back and resulting insanity; disease first appearing while in service near Resaca, Ga., in November, 1864. Claim was rejected October 5, 1885, as follows:

"There is no record of any disability, no satisfactory evidence that alleged disease of back and resulting insanity is in any manner connected with his military service. Testimony elicited by the special examinations shows that claimant had some affection of back, and of a nervous temperament, prior to his enlistment; that there is insanity in claimant's family; and that his insanity did not develop for some years after his discharge."

After a critical review of the voluminous testimony, some two hundred pages, and including the examination of over forty witnesses, we are very clearly of the opinion that the evidence does not warrant any such conclusion. John P. Teskey, a neighbor, of good reputation, testifies:

"Was acquainted with and knew claimant before and at time of his enlistment in the United States service, and certify that he was at that time a sound man in both body and mind."

Ten other witnesses testify to the same fact. William L. Smith, reputation excellent, testifies that he was well and intimately acquainted with claimant from boyhood up to 1865, and that he was perfectly sound in every respect prior and up to his enlistment; that he entered service at same time, and served in same company and regiment; that on Sherman's campaign in Georgia, about November, 1864, at or near Cartersville, Ga., claimant complained of his back and kidneys hurting him, and that before they arrived in North Carolina claimant got worse, he acted queerly, and seemed to be affected in his mind; that he (Smith) left the command at some point in North Carolina, and did not see claimant until they met in Washington on the arrival of Sherman's army; while at Washington claimant acted as if he were out of his head, did very little duty, and took medicine continuously from the surgeon; that they were discharged and came home together; claimant was very much reduced and his mind was affected; upon arriving home Smith found that claimant had written several queer letters to his (Smith's) father, showing that he must have been out of his head when he wrote them.

This evidence as to suffering with lame back, conduct in service, and condition upon arrival home is fully corroborated by several comrades and numerous neighbors.

Robert Brady and Edward C. Coon testify:

"When Sherwood returned home from the Army in June or July, 1865, he was in

poor health, and gradually became worse each year thereafter, complaining greatly of his backache, and his mind became greatly impaired."

Dr. John H. Boyd treated him for insanity in 1868; Dr. B. F Stevens also treated him for insanity in 1873 and since; was admitted to insane asylum November 6, 1873, and discharged "unimproved" September 17, 1874.

Thomas B. Mansfield, examining surgeon, in examination made December 27, 1882, says:

"I find claimant is insane, and requires some one to watch him at all times. I believe his insanity arises from disease of the spine. I find that his spine is diseased from the lumbar to third cervical vertebra. At the present time he is unable to stand, and has not the power of locomotion. Claimant can make no rational statement; don't know his own age. I have taken his age from his discharge. Evidence of neighbors is that at times he is violent; at present he is moody, and says nothing; at times tears his clothing in strips. I think him entirely disabled from manual labor, and entitled to full benefit of pension laws."

One witness testifies that claimant's grandmother was insane.

Since the rejection of the claim by the Pension Office, the following affidavit has been filed:

"I, C. L. Sherwood, being duly sworn, on oath depose and say that I am a brother of Sidney Sherwood; that my father was in his eighty-ninth year when he died; that there was never any indication of insanity about him; that he raised a family of five boys and one girl; that there has never been any insanity among any of the said children, except Sidney Sherwood; that the ages of the said children are as follows, to the best knowledge of deponent: * * * 68, * * * 85, * * * 58, * * * 55, * * * 52, * * * 48; that all the above sons and daughter have raised families; that there are in all twenty-three grandchildren; that there is a total absence of insanity among the said grandchildren, with the exception of the second daughter of deponent, who became deranged by a protracted puerperal fever at birth of her first child, said daughter being at said time twenty-six years of age; that with the exception of the above there has never been any indication of insanity, either hereditary or temporary, in any of the issue of the father of this deponent; that the said Sidney Sherwood never showed any indications of insanity or mental derangement until after his return from the Army."

The only question of doubt in this case is that of a possible taint of hereditary insanity; but the fact of prior soundness, so clearly proven by numerous witnesses, and by reason of the soldier having been drafted, and not having been exempted upon examination, the fact of having incurred the disease of spine in service, and the resulting insanity, so clearly established by medical examination since, the consequent suffering of claimant during all the years since, and the inevitable distress and grief of his family, make this a very meritorious case, one which appeals very strongly for special aid. Wherefore your committee recommend the passage of the bill.

The bill is accordingly reported to the Senate with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 477.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 626.]

The Committee on Pensions, to whom was referred the bill (H. R. 626) granting a pension to Minton Prall, have examined the same, and report:

On examination the committee adopt the statement of facts set forth in the report of the Committee on Invalid Pensions of the House of Representatives, and recommend the passage of the bill.

That Minton Prall, late a private in Company C, Thirty-third Regiment Indiana Volunteers, enlisted September 3, 1861, and was discharged July 26, 1865; that while returning from a furlough, and while on his way to his regiment, he was induced by Capt. J. M. Terry, in charge of the Government bakery at Jeffersonville, Ind., to go to work in said bakery, and that on the second night, while so employed, his hand was accidentally caught in the iron rollers and his left arm injured to such an extent as to require amputation about one-half way to the elbow.

October 12, 1874, he filed his application for pension for said disability. It was rejected June 8, 1885, upon the ground "that claimant was not in line of duty when he lost his arm."

Claimant swears that Captain Terry compelled him to go to work in the bakery by threats of arrest; Captain Terry says he requested him to go to work because he needed more help. However, it is clearly proven that the soldier did go to work in the bakery, and that he lost his arm while so at work. Had the soldier, under like circumstances, fell in with a line of soldiers, fought, and been wounded in battle, we think the question as to line of duty would not have been raised. He was in line of duty while returning from his furlough; his furlough had not yet expired; the service he engaged in was legitimate and necessary; he lost his arm thereby.

The technicality which precludes relief at the hands of the Pension Bureau should not prevent Congress from doing justice.

Your committee therefore recommend that the bill do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 478.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3351.]

The Committee on Pensions, to whom was referred the bill (H. R. 3351) granting a pension to Mrs. Magdalena Rehkopf, have examined the same and report:

The facts in this case are fully stated in the annexed report of the Committee on Invalid Pensions of the House of Representatives.

In view thereof your committee recommend the passage of the bill.

Augustus B. Rehkopf enlisted August 6, 1862, as corporal in Company I, Nineteenth Regiment Iowa Volunteers, and was killed in battle December 7, 1862, at Prairie Grove, Ark. His mother, Mrs. Magdalena Rehkopf, filed her application for pension as dependent mother May 3, 1882, which was rejected June 16, 1885, on the ground of non-dependence at the time of soldier's death.

The testimony in the case established the following facts: That the father of soldier was a saddler and harness maker at Bentonsport, a small village in Van Buren County, Iowa. The son at the date of his enlistment, and for two or three years previous, had worked at same trade in the shop with his father; that all of his earnings went into the common fund, and that the two together were able to, and did, afford a comfortable living for the family; that father was in poor health, and depended very largely on the son to do the work in the shop; that son's enlistment and death took away one-half of the income from shop; that son's pay in Army was sent home and went to the support of the family, there being at that date five minor children; soldier was a minor at death, and was never married.

The father's health continued to decline, and he died of consumption in 1868. Very thorough examinations by special examiners develop the fact that at time of soldier's death his father was possessed of a house and lot and harness shop, all worth about $2,000, and a stock of tools and material valued at $1,000; and that the family did live without the son; and it appears that it was upon knowledge of this fact that the claim for pension was rejected.

But it is also in evidence that the business and the income therefrom materially diminished after the son's enlistment, and the mother was compelled to take boarders to help support the family. Since the father's death the mother has supported herself by keeping boarders, and with the help of such contributions as she received from her other children as they grew older.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 479.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT.

[To accompany bill H. R. 3375.]

The Committee on Pensions, to whom was referred the bill (H. R. 3375) granting a pension to John D. Clark, have examined the same, and report:

The evidence in this case is set forth in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 260), which we hereto append. Your committee have examined the same and adopt the report, and recommend the passage of the bill, with an amendment striking out the letter "D" in the title of the act, and also the letter "D" in the fifth line after the word "John."

That the papers in this case, procured from the Pension Office, disclose the fact that John D. Clark was a private in Company D, Twenty-eighth Regiment New York Volunteers. That he was attacked with inflammation of the eyes about January, 1862, treated by Dr. Paine, assistant surgeon of the regiment, and by him afterwards sent to Winchester Hospital; taken prisoner in said hospital, and discharged at Washington, D. C., June 13, 1862, "by reason of his being a paroled prisoner." Above testimony all furnished by official records.

Said John D. Clark filed application for pension July 19, 1862, and again July 31, 1872, alleging that he was taken with sore eyes at Camp Muddy Branch, Maryland, about December 15, 1861; lost the sight of right eye about July 1, 1862, the left eye being blurred and very weak.

E. A. Brown, captain of Company D, Twenty-eighth Regiment New York Volunteers, testifies:

"Said John D. Clark was a sound man when he entered the service, and that he contracted sore eyes about December, 1861, at Camp Muddy Branch, Maryland."

Charles W. Eckerson, of Creston, Iowa, testifies:

"In 1861, and for several years prior, was resident in Shelby, N. Y., and was well acquainted with John D. Clark for five years prior to his enlistment. He was an able-bodied man, and had never been troubled with sore eyes during my acquaintance with him. When he was discharged in 1862 he came to my father's house; his eyes were very sore—could not bear light—and he was unable to perform any labor; his disability continued until affiant removed from New York, in 1864."

Like testimony is abundant as to prior soundness, and both medical and lay testimony is ample to prove conclusively the continuance of disability since, he having been at different times examined and treated by Doctors Paine, Crosswait, Denice, and Examining Surgeon George M. Coit, all of whom have affidavits filed in the case establishing the fact of disease and disability.

The latest evidence on file is a certificate of twenty-five of the leading business men of his town, certifying to an acquaintance of from twelve to twenty years, testifying to his excellent character and reputation, and that during this period he has been continuously afflicted with disease of eyes.

This claim seems to have been rejected upon the report of a special examiner sent to Shelby, N. Y., who procured affidavits from several parties to the effect that said Clark had sore eyes prior to his enlistment; but after critically examining all the evidence taken by this special examiner, it is, in the opinion of your committee, by no means sufficient to rebut or break down the abundant evidence already filed as to prior soundness. Therefore, in view of all the testimony, and the further fact that medical examinations preceding muster were quite rigid at that early stage of the war, viz, 1861, and the very strong probability that soldiers would have been rejected had there been any disease of the eyes, your committee are of the opinion that his disability was contracted in the service, and he should be pensioned. The passage of the bill is recommended.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 480.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3489.]

The Committee on Pensions, to whom was referred the bill (H. R. 3489) granting a pension to Amelia J. Gill, have examined the same, and report:

The facts of this case are stated in the following report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1029.) Your committee adopt the same and recommend the passage of the bill.

That the said Amelia J. Gill served as a volunteer nurse during the war of the rebellion from the year 1861 through and to the close of the war, often spending her own money in relieving cases of want and suffering among our soldiers. For all this service she never received a dollar from the Government. She is now sixty-four years old, poor, and infirm.

The story of her service is so well told in her petition to Congress for relief, and to which statement she swears, that your committee incorporate it into this their report, viz:

To the honorable Senate and House of Representatives in Congress assembled:

The undersigned would respectfully represent that she is a native of Maine, a citizen of Massachusetts, sixty-four years of age; that in 1861 she volunteered to serve as nurse in the military hospitals, and rendered such service on board the vessels S. R. Spaulding and Daniel Webster, steam transports, and in the Columbia hospital in Washington; that in October, 1863, she was transferred to the Department of the South Atlantic, and rendered services in the hospitals at Beaufort, Hilton Head, and in Florida, continuing such service to the close of the war.

She would further represent that for nearly four years of service she never received any compensation; that during those years she gave her services out of her desire to minister to the sick and wounded; that she freely contributed of her own money to alleviate their needs; that at the present time she is wholly dependent on others for the means of subsistence; that she is feeble and infirm, with no expectation of restoration to health.

She therefore petitions your honorable body for relief in this her extremity.

AMELIA J. GILL.

Witness:
MARIETTA RAWLINS MAUN.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

BOSTON, *December* 3, 1885.

Personally appeared before me the individual above stated (Amelia J. Gill) and made oath to the above statement.

Before me.

SAM'L D. G. WILLICUTT,
Justice of the Peace.

Her sworn statement of service is corroborated by the affidavit of Mr. Frederick N. Knapp, of Boston, Mass., formerly associate secretary of the United States Sanitary Commission, in charge at Washington, who speaks highly of the faithful and efficient service rendered by Mrs. Gill, and that she rendered devoted and successful service on the hospital transport boats of the United States Sanitary Commission and in the hospitals in Washington.

She also presents a number of letters testifying to the great worth of her services from surgeons and others; also a letter from President Lincoln to the Secretary o War to allow her to pass the lines in order to nurse the soldiers. The evidence i abundant to prove that this good woman did all in her power, from pure motives o patriotism, to alleviate the distress and mitigate the sufferings of our wounded so diers. She is now old, penniless, and infirm.

Your committee are of opinion that the Government can well afford to extend t her its aid and comfort the few remaining days of her old age, and therefore recom mend the passage of the accompanying bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 481.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1083.]

The Committee on Pensions, to whom was referred the bill (H. R. 1083) granting a pension to Francis H. Kirmayer, have examined the same and report:

The facts of this case are set forth at length in the report, which we hereto annex, of the House Committee on Invalid Pensions (House Report No. 340).

Your committee have carefully considered the same and indorse the conclusions therein reached, and therefore report back the bill with a recommendation that it do pass.

[House Report No. 340, Forty ninth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred House bill 1083, submit the following report:

Francis H. Kirmayer was a sergeant in Company G, Fifty-fourth Ohio Volunteers. He enlisted February 15, 1864, and was discharged May 24, 1865, for wounds received at Nickajack Creek, Georgia, by the bursting of a shell, which resulted in amputation of left leg above the knee; the same shell wounded the right knee-joint, breaking off a piece of the tibia, and at the same time threw him into the air several feet; that when he dropped to the ground he injured his back and head severely, and never has recovered from the effects of the same; he also received a bullet wound in the right thigh and another in the abdomen from spent balls.

This soldier was first pensioned from discharge to June 6, 1866, at $8 per month, increased to $15 from June 6, 1866, to $18 from June 8, 1872, $24 from June 4, 1874, and $30 from March 3, 1883, for loss of left leg above the knee.

He filed an application for increase April 2, 1884, alleging increase of disability from the wound of right leg which renders him helpless and unfit for performing any labor, has to be dressed and undressed, and has not been able to take care of himself unaided since he was shot, and that he is entitled to the rate provided by law for persons who require aid and attendance. This application was rejected September 15, 1884, on the ground "that he was receiving the full amount of pension to which he is entitled; the evidence not showing that degree of helplessness that would entitle him to $50 per month." An appeal was taken from the finding of the Pension Commissioner, and on the 14th day of March, 1885, the Secretary of the Interior reaffirmed the rejection of the Pension Department.

The evidence in the case all shows that the soldier is very greatly disabled and does require the aid and assistance of another person.

Drs. C. Pratt and Lewis S. Hopkins testify they have known claimant for the past ten years; that they know he has not performed any manual labor during that time, and that he needs the aid and attendance of another person more or less frequently.

Doctor Pratt aforementioned supplements his affidavit as above by saying he re-

quires assistance in dressing at all times and can never be better; the evidence these physicians is corroborated by Bridget O'Brien and Marie Allendorf that he nee regular aid and attendance and that they have assisted him.

The board of examining surgeons at Taunton who last examined him April 23, 18 say:

"Left femur amputated at middle third, good stump. A large cicatrix on inside right knee shows extensive wound and ulceration, cicatrix drawn and smooth, kn weak, sometimes giving out suddenly (on one occasion caused him to chop off his le thumb); says he suffers pain and weakness in back in consequence of injury receive at time of wound. We think he should be rated (1) loss of thigh, present; (2) woun of right knee, total; (3) injury to back, 0."

From the statement of facts set forth in this claim, while the evidence does no show conclusively that this soldier is in that state of absolute helplessness requirin the constant care and attendance of another person, still it does show that withou a certain amount of assistance he would be unable to get around and do for himsel being able to walk with the use of cane or crutch, and partly care for himself. Th evidence shows that he is liable to sudden vertigo upon stooping, owing to swoll temporal veins, the result of the injury to his head.

His condition is such that his disabilities would entitle him to an advance upon h present rating of $30 per month, and still they are not of that extreme nature as entitle him to the full amount, $50, allowed to those who are utterly incapacitat from helping themselves, and are obliged to have constant and regular care and a tendance of another person.

Your committee therefore recommend the passage of the accompanying bill amended, by striking out the words "seventy-two," in last line, and substituti therefor the word "forty."

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 482.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5061.]

The Committee on Pensions, to whom was referred the bill (H. R. 5061) granting an increase of pension to Samuel Baker, have examined the same, and report:

The main facts in this case are briefly stated in the annexed report (House Report 944), which we hereto append:

Samuel Baker, of Jackson, Ohio, was mustered into the military service of the United States on the 26th day of February, A. D. 1814, at London, Franklin County, Pennsylvania, as second sergeant in Captain Duren's company, Col. James Fenton's regiment, and served through the Canada campaign, participating in all the battles of that campaign, until Lundy's Lane, where he was severely wounded, and soon after discharged from the service. He is now eighty-eight years of age and in needy circumstances.

The committee, after due consideration, report the bill back to the House with amendment, and, as amended, recommend its passage.

Your committee are also credibly informed that this old soldier refused all his life to take the pension which was due him on account of disability. He is also vouched for by a member of the present House of Representatives as a person most deserving of assistance if the Government is to assist its old soldiers who are now infirm, disabled, and poor.

The bill is reported back with a recommendation that it do pass.

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CONGRESS, } SENATE. { REPORT
t Session. } { No. 483.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1136.]

Committee on Pensions, to whom was referred the bill (H. R. 1136) nting a pension to Charles E. Bolles, have examined the same, and re- t:

e evidence in this case is stated in considerable detail in the an- l report (House Report No. 1031), which your committee adopt. ave carefully examined all the evidence, and believing it warrants onclusion arrived at, we recommend that the bill be reported back the recommendation that it do pass.

arles E. Bolles enlisted as seaman in the United States Navy, October 16, 1862, s discharged October 26, 1863, for disability. He filed an application for pen- lleging deafness, which was rejected upon the ground that "deafness existed o service."

evidence showed that he had been slightly deaf when a boy, as a result of bath- sea water, but that the same had worn off, so that at the time of his enlistment troubled very little, if any, by it. That until engaged in practice he was able to l orders and promptly execute them, and that he was suffering from no military ity which disqualified him from entering the military or naval service of his y. In December, 1862, while serving as second shotsman on the U. S. S. Sabine, engaged in target practice and he became deaf from the reports of the gun he l to work.

amin F. Burbank testifies:

lles could hear ordinary conversation readily, as also the orders on board as r given; that he was stationed at the broadside guns and was second loader. about two months out and in smooth sea we had target practice, immediately hich said Bolles became very hard of hearing, and remained so as long as we ogether after, which was about two months."

s S. Nickerson testifies as follows:

at I sailed in the United States frigate Sabine from New London, Conn., in the 1862. After we had been at sea a short time I formed the acquaintance of s E. Bolles, which soon ripened into a strong friendship, and we were together t deal of the time. When I first knew him he could hear all the orders given, dinary conversation without any trouble. During the cruise of the Sabine we xercised at the guns, firing at a target. A short time afterwards I noticed it ard work for him to hear orders or hear when they called his number, so I would near him when the hammocks were piped down, and tell him when they called s number as the man threw the hammocks out of the nettings, and in various ways I tried to assist him after I saw he was growing deaf. How I knew that had been a change in his sense of hearing was that I saw that when orders were on board of the ship he seemed as though he did not comprehend what was l of him, and I would prompt him when I was near, and it was difficult for me verse with him in an ordinary tone of conversation."

It is also proved that this disability has continued in a marked degree to th time, and there can be no reasonable question that it was incurred in the s his country, and in the line of his duty. The concussion of the atmosphere by firing of heavy guns often causes extreme deafness. This effect is the the shock upon the extremely delicate structure of the ear, producing in ma rupture of the tympanum and in other partial or complete paralysis of the nerve.

John Purce, examining surgeon at Edgartown, Mass., says:

"Applicant, in consequence of his proximity to the gun as a loader, had hi impaired by the concussion of the air upon the tympanum of the ear, so as to deafness, and would recommend $13 a month for this disability."

Your committee are of opinion that the slight temporary deafness while a l which he had recovered, should not operate as a bar to his claim, and would recommend the adoption of the accompanying bill, as amended, by adding the at end of bill: "late a seaman in the United States Navy."

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 484.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3117.]

The Committee on Pensions, to whom was referred the bill (H. R. 3117) granting a pension to Walter A. Phillips, have examined the same, and report:

The facts of this case are fully set forth in the annexed report of the Committee on Invalid Pensions of the House of Representatives (House Report 1104), which we have carefully examined and adopt, recommending the passage of the bill.

The military history of Walter A. Phillips appears as follows: He was mustered as first lieutenant Company F, Second Vermont Regiment, June 20, 1861, and was dismissed December 31, 1861, by sentence of court-martial. August 19, 1862, enlisted in the Thirteenth Vermont Regiment, was promoted to lieutenant, and mustered out with his company July 21, 1863; was mustered as second lieutenant Third Battery Vermont Light Artillery, to date January 2, 1864, and was discharged for disability February 13, 1865.

In his declaration for pension he alleges that while at Camp Griffin, near Chain Bridge, Virginia, about the last of September, or October 1, 1861, he incurred cold, chills and fever on picket, resulting in typhoid pneumonia, bleeding piles, and rheumatism, and long sickness at said camp. Rejection was upon the ground that disability was not contracted while in the line of duty, and the pith of the rejection seems to be found in the following extract from the examiner's summary sheet:

"If the disabilities originated during period of arrest they cannot be accepted as in line of duty, and unless claimant can establish the fact of their origin or inception in line of duty prior to arrest, claim cannot be admitted."

The voluminous evidence in the case shows the following facts:

On the 28th day of September, 1861, claimant, who had been on picket duty for several days, was brought into camp of the regiment, near Chain Bridge, Virginia, prostrated with chills and fever, the result of exposure. His trouble speedily developed into a typhoid fever, and resulted in a long sickness, terminating in bleeding piles and rheumatism. Claimant was sick in his quarters until October 9. On that date the regiment moved a short distance, to Camp Griffin, and claimant was removed to a private house owned and occupied by a Mr. Carpenter, about one-half mile from camp, where he remained until recovered sufficiently to walk about with a cane or crutches, a period of several weeks.

The arrest, trial by court-martial, and dismissal seem to have been a most arbitrary exercise of military power and discipline. Capt. Francis B. Randall, of claimant's company, tells the story as follows:

"Claimant was detailed for picket-outpost duty near Fort Ethan Allen, near Chain Bridge, Virginia, remaining on duty several days in face of enemy; was relieved Saturday afternoon, September 28, 1861, and brought to camp, near Chain Bridge, sick with chills and fever, and jaundice. Saturday night, the Second Vermont Volunteers was ordered into line, advanced towards outposts; claimant was too ill—sick abed—for duty; told him to remain in camp and report for duty Saturday morning,

but he was too sick, and didn't report. Tuesday or Wednesday afternoon tober 1, 1861, Second Vermont returned to camp; claimant and others plac by Colonel Whiting for disobedience of orders and neglect of duty. We across the way to Camp Griffin, Virginia; claimant being very sick with ty removed to private house just out of camp, where he was sick many wee ease contracted on picket, in the line of duty, prior to arrest. At claim martial he was too sick to make any defense, and was cashiered; allowe date of discharge; no restrictions placed on his future service."

Captain Randall is vice-president of Norwich University, and of high s

The various circumstances and conclusions above stated are founded u davits of Surgeon Ballou, Assistant Surgeon Carpenter, and Hospital Stew Lieut. Col. George J. Stannard, subsequently general of the Vermont B cers and privates of claimant's company, and Guilford S. Ladd, adjutant ment, who was impressed with the injustice done claimant.

He says:

"About September 28, he (claimant) was relieved and was sick with chi contracted in line of duty on picket. That same night (the 28th) the Seco was ordered into line, and did not return until October 1 or 2 to Cam By order of Colonel Whiting I arrested several officers, including claiman not reported for duty, although claimant was sick in tent and had been sic September 28. The colonel insisted he (claimant) should be arrested as o

The Pension Office admits incurrence of chills and fever prior to arrest, his claim on that ground upon reports of medical examinations; it admi disease and piles are proved in first service, but while he was under arr not admit claim therefor. The evidence, medical and otherwise, shows and severe sickness from the afternoon when he was assisted into camp in bed by two comrades until weeks afterwards, he was hobbling abo emaciated, from a run of typhoid fever and suffering from rheumatism piles. The reasonable supposition seems to be that the whole train of directly connected with and resulted from his condition when brought abled. But if we were to accept the theory of the Pension Office that ing disabilities were distinct and separate from the first one instead of ment and sequence, and all springing from the same exposure and ha would seem to demand a removal of the bar set against the claimant to us a most arbitrary and iron-handed exercise of military power.

Phillips's subsequent service in two different commands was an h His prior soundness is established by satisfactory evidence, and al disabilities during his last service and since final discharge.

The committee recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 485.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3177.]

The Committee on Pensions, to whom was referred the bill (H. R. 3177) granting a pension to Mrs. Ann J. Conwell, have examined the same, and report:

The principal facts of this case are detailed in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 458), which your committee adopt, and recommend the passage of the bill.

Ann J. Conwell is the widow of Mathew Conwell, late a private in Company I, First Indiana Cavalry. She asks to be placed upon the pension-roll as his widow. The facts in the case, substantiated by affidavit, are peculiar, inasmuch as she appears as the widow of two soldiers, one of whom gave up his life in service; the other, disabled by wound and disease.

The facts are as follows: Her first marriage was with one Edward Blumely, at Willimantic, Conn., upon the 26th of November, 1855. On the 1st of October, 1861, he enlisted as a private in Company D, Eighth Connecticut Volunteers, and re-enlisted as a veteran at the expiration of his term of service. On October 6, 1864, he died in Andersonville prison, leaving the beneficiary in this bill with three small children to provide for. She applied for and obtained a widow's pension, and struggled along as best she could with the aid of the pension to clothe and feed herself and children. Finding herself unable to properly care for and bring up her family, on January 5, 1867, she married Mathew Conwell, a pensioned soldier, who, though at that time suffering from a wound and from other disabilities, was by superior skill at his trade, that of "spring-fitter," able to earn good wages.

He had served as a private soldier in the First Indiana Cavalry, and was pensioned upon certificate 39980, first for $2 and afterwards at $4 per month. As time went on his disabilities increased, and finally, in 1877, he was admitted as an inmate of the Soldiers' Home at Dayton, Ohio, suffering from gunshot wound of shoulder, asthma, and heart disease, of which disease he finally died, and which he always claimed he contracted in the service. The death occurred March 30, 1882, at the Soldiers' Home aforementioned. The certificate of death gives the cause, "organic disease of the heart."

Her claim was rejected for the reason that the disease of which soldier died was not due to his military service. This widow is old, infirm, and poor. She believes she ought to be entitled to be placed upon the roll, when the circumstances of her earlier struggles and bereavements are considered.

Your committee are of opinion that this is a proper case for relief, and would therefore recommend the passage of the accompanying bill.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 486.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1024.]

The Committee on Pensions, to whom was referred the bill (H. R. 1024) granting a pension to Aurelia F. Robbins, have examined the same, and report:

The main facts upon which the claim for a pension in this case are based are stated in the annexed report (House Report No. 351), which your committee adopt as correct, and report the bill back with a recommendation that it do pass.

Aurelia F. Robbins is the daughter of Daniel Robbins, a private in Company B, Second Battery, First Regiment of Maine Light Artillery Volunteers. He was discharged for disability, subsequently pensioned, and died May 6, 1873. The soldier's wife—mother of Aurelia F.—died in 1865. Some confusion seems to have arisen from the fact that Aurelia F. filed two separate claims for pension, at different dates; one as dependent daughter of Daniel Robbins, and the other as dependent sister of soldier of same name, the service of the latter being indefinitely stated as "Maine" (no company or regiment). The latter claim appears not to have been pressed further than the filing of application. The former was rejected upon the ground that claimant was over the age of sixteen years at the date of death of the soldier.

The papers filed with this committee show that there were two Daniel Robbinses, father and son; that the son, brother of claimant, was in a Massachusetts regiment, the number of which is not known, and was supposed to have been killed in the battle of the Wilderness.

These papers also show that the claimant's present condition is most pitiful, and appeal in the strongest manner to every human sympathy. She is a cripple, having lost the use of her legs by an accident when two years of age, and has never been able to walk a step since. Her limbs are now no larger than when she met with the accident which caused her misfortune, and she has to crawl or creep around with her hands. She is utterly destitute, a town pauper, and has at times suffered for the actual necessities of life. She has no relatives who can aid her. These facts are established by several sworn affidavits and by unsworn statements of D. L. Savage, of Foxcroft, Me., whose standing is attested by Hon. Charles A. Boutelle, a member of this House.

Your committee report favorably upon this bill, and recommend its passage.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 487.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4022.]

The Committee on Pensions, to whom was referred the bill (H. R. 4022) granting a pension to Elizabeth Stocksdale, have examined the same, and report:

Your committee concur in the favorable report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 367) in this case, and report back this bill with a recommendation that it do pass.

The evidence in the case shows that Aaron Stocksdale served as a private in Capt. Eli Stocksdale's company, Thirty-sixth Maryland Volunteers, in the war of 1812-'14; that during said service said Aaron Stocksdale was called home by the illness of his mother, and that on her recovery he returned to his company, and served until the close of said war. It also further shows that the said Elizabeth Stocksdale intermarried with the said Aaron on the 12th day of May, 1813, and lived with him as his wife until his death, which occurred on the 1st day of October, 1867, since which time she has remained, and still is, a widow, and has always been loyal to the Government of the United States.

Your committee recommend the passage of the accompanying bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 488.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1117.]

The Committee on Pensions, to whom was referred the bill (H. R. 1117) granting a pension to John Owens, have examined the same, and report:

Your committee have carefully examined the evidence in the above case and adopt the statement of it set forth in the report of the House committee (House Report No. 1192), which is hereto appended, and report back the bill recommending its passage.

John Owens enlisted as acting ensign in the United States Navy July 6, 1864, and was discharged for disability May 31, 1865. He filed an application for pension, alleging in his declaration "that while serving on the monitor Mahopac," owing to crowded quarters he was exposed to the weather and water, and was frequently drenched while in his cot, developing pains in groin, small of back, with an attack of lumbago and partial paralysis of left side, with cramps and rheumatism; also, varicose veins. The claim was rejected on the ground that the alleged disabilities were not incurred in service and line of duty.

The evidence in the claim is as follows:

Stillman B. Allen, of Boston, Mass., law partner of ex-Governor Long, testifies:

"I became acquainted with claimant and did business for him. He was frequently in my office until he was appointed acting ensign. He appeared to be in sound, robust health, and I have no doubt he was so. He wrote me occasionally after entering the Navy, and I remember that after some considerable time he spoke of having incurred sickness from exposure in service. I saw him soon after his discharge and observed a great change in his appearance; he looked old and worn and sick. He is a man of excellent character."

Mr. Duncan McLean, of Boston, one of the proprietors of the Boston Daily Evening Traveller, and its commercial and shipping editor, testifies:

"Became acquainted with claimant about twenty-five years ago. He was then chief mate of the ship Florence, of Boston; subsequently drew up claimant's application for admission into the United States Navy. He was then strong and vigorous; saw him after service, and he complained of having his health undermined by exposure; have seen him often since, and can say he has appeared sick."

Abijah Raymond, of Boston, testifies:

"Known client thirty years; never heard or knew of any illness before he went into the Navy; I always regarded him as a healthy, rugged man, and able to do two men's work; never knew him to touch stimulants in any form. Since his discharge he has appeared like a broken-down man, and maintains himself by light work as he can get it. His wife is the principal 'man of the house.'"

Mary Raymond, of Boston, testifies:

"Known claimant for forty years, ever since I was a little girl. He was a well constitutioned man, and very active until he returned from the war; always temperate."

James H. Griggs, in a letter dated December 5, 1885, states claimant participated in both engagements at Fort Fisher, on the first attack in the steamer Tristam Shandy, and on the second in the monitor Mahopac. I can certify he was in condition to per-

form duty at the first attack, for I saw him lead the party which landed to receive the surrender of the Confederates in Flag Pond battery; and certainly no invalid would have been considered fit to be cooped up within the narrow limits of a monitor during the three days consumed in the second attack.

J. H. Hannaford, M. D., of Reading, Mass., testifies:

"Have treated Capt. John Owens; was called in July, 1880, when I found him suffering from lumbago and nearly helpless, with decided symptoms of paralysis. He is troubled by varicocele, occasioned, as he claims, and of which I do not doubt, by exposure in the naval service during the war of the rebellion."

The board of surgeons at Boston examined claimant September 12, 1883, and report:

"We find a marked varicose condition of the external and internal saphenous veins of leg (left); also of the internal saphenous vein in left thigh. At the saphenous opening there is a large varix, consisting of a large bunch of veins radiating inwards, downwards, and outwards from a tumor as large as a lime, which is the saphenous vein largely dilated as it goes through the saphenous opening into the femoral vein. We rate total, $15. We find a varicocele of left side. The veins are not large, but the whole somewhat tender. We rate it, if of Navy origin, at one-half total, $7.50.

"We find him stiff in lumbar region, and complaining of great pain across loins; that he has lumbago from extensive varicocele we think very probable, and if we rated separately, should rate at $7.50.

"He says he now has no paralysis except a numbness of left thigh. We find none and do not rate.

"We find the disability as above described to entitle him to a third-grade rating $24, equal to loss of hand."

It is the opinion of your committee that this claimant should be placed upon the pension roll; he has been seen personally by one of the committee, who represents him as a man prematurely old, completely broken down, trembling, and tottering; a perfect physical wreck, unable to-day to do the first thing for his support, and a burden upon friends. So marked a case is it that the legislature of Massachusetts, although he did not count upon her quota, passed the following resolve in his favor:

RESOLVE for the relief of John Owens.

COMMONWEALTH OF MASSACHUSETTS.

Resolved, That from and after the 1st day of February, in the year 1883, John Owens, a resident of Boston, who served in the United States Navy between the 6th day of July, in the year 1864, and the 31st day of May, in the year 1865, shall be entitled to receive the same amount of State and military aid he would have been entitled to had he been credited on the quota of the Commonwealth of Massachusetts during his term of service.

Your committee recommend the passage of the accompanying bill as amended.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 489.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5022.]

The Committee on Pensions, to whom was referred the bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell, have examined the same, and report:

The claimant, Isabella J. Ramsdell, is the widow of David Ramsdell, late private Marine Corps, United States Navy. She has been granted a pension at the rate of $8 per month from July 1, 1884. The facts are set forth in the report of the House Committee on Invalid Pensions (House Report, No. 814) of the House of Representatives.

Your committee recommend the passage of the bill with the following amendment: Strike out all after the word "month" in the seventh line.

This case was before the Committee on Pensions during the Forty-sixth Congress; also during the Forty-eighth Congress, and favorable reports were made thereon, which your committee is satisfied is a correct statement of facts, and therefore adopt the report made to the Forty-eighth Congress as their report. It further appears by the petition of Isabella J. Ramsdell, filed during the present session, that she is destitute and in a crippled condition, caused by the nursing and lifting her husband, who was entirely helpless during his two years' confinement in hospital prior to his death. The committee regard this as a specially meritorious case, and recommend that the bill do pass.

The following are the reports made to the Forty-eighth Congress and Forty-sixth Congress:

[House Report No. 349, Forty-eighth Congress, first session.]

The Committee on Pensions, to whom was referred the petition of Mrs. Isabella J. Ramsdell, having had the same under consideration, respectfully report:

The committee find, from the petition and papers filed in the original pension claim, that the petitioner is the widow of David D. Ramsdell, who was a member of the United States Marine Corps for thirty-one years eleven months and eleven days, who, having been discharged the service, was admitted to a pension, and subsequently was admitted to the Naval Asylum at Philadelphia, as a beneficiary. His history will appear more fully from the following letter, granting him admission to the institution above named.

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C., October 14, 1876.

SIR: Referring to your application of the 12th instant, and the Fourth Auditor having verified your services as seaman and marine thirty-one years eleven months and eleven days in the Navy, a permit is herewith granted for your admission to the Naval Asylum at Philadelphia, which please find inclosed. The governor of the

asylum has been notified accordingly, and upon presenting yourself with this pe and the delivery of your pension certificate will receive you as a beneficiary of institution. Inclosed also is your pension certificate.

Respectfully,

J. C. HOWELL,
Chief of Burea

DAVID D. RAMSDELL,
United States Marines.

It further appears in evidence that this pensioner, David D. Ramsdell, died in Naval Asylum hospital at Philadelphia on the 24th day of September, 1877, of dis contracted in the service.

The petitioner has minor children and is destitute.

In view of the fact that the pensioner, David D. Ramsdell, died of disease ca by the service, and of his long service as a marine, your committee believe that widow, Isabella J. Ramsdell, is a proper person to be placed on the pension-rolls.

[House Report No. 1189, Forty-sixth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the petition of Mrs. Isabell Ramsdell, having had the same under consideration, respectfully report:

We find from the petition and the papers filed in the original pension claim that petitioner is the widow of David D. Ramsdell, who was a member of the Unted St Marine Corps for more than thirty years, who, having been discharged the service, admitted to pension, and subsequently was admitted to the Naval Asylum at Ph delphia as a beneficiary. His history will more fully appear from the following le granting him admission to the institution above named:

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C., October 14, 187

SIR: Referring to your application of the 12th instant, and the Fourth Audi having verified your services as seaman and marine thirty-one years eleven mon and eleven days in the Navy, a permit is herewith granted for your admission to Naval Asylum at Philadelphia, which please find inclosed. The governor of the a lum has been notified accordingly, and upon presenting yourself with this per and the delivery of your pension certificate will receive you as a beneficiary of the stitution. Inclosed also is your pension certificate.

Respectfully,

J. C. HOWELL,
Chief of Burea

DAVID D. RAMSDELL,
United States Marines.

It further appears in evidence that this pensioner died in the Naval Asylum hosp at Philadelphia on the 24th day of September, 1877, the cause of his death be paralysis, superinduced by the arduous service he had rendered his country in many enlistments.

The petitioner made application for pension January 15, 1878, which was rejec February 4, 1878, on the ground that "sailor died out of service subsequent to Ma 4, 1861, of disease contracted prior to March 4, 1861." The petitioner has mi children and is destitute.

Your committee believe that the cause of death of the pensioner was laid whil the service and that it was superinduced thereby; and, in view of that fact, an consideration of the long service of the sailor and marine, we deem the petition proper person to be admitted to the pension-rolls as his widow.

We therefore report favorably upon her prayer, and recommend the passage of accompanying bill granting a pension to Isabella J. Ramsdell.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 490.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1494.]

The Committee on Pensions, to whom was referred the bill (S. 1494) granting an increase of pension to Stephen D. Smith, have examined the same, and report:

The claimant, Stephen D. Smith, late private of Company C, Seventh New Hampshire Volunteers, was pensioned June 4, 1872, at the rate of $24 per month, which was increased August 5, 1882, to $37.50. He now asks that this be increased to $72.

This soldier suffered amputation at the hip-joint, which is continually sore and subjects him to great pain. He also suffers from disease contracted in the service. From the joint effect of these results of his Army life he is unable to perform any labor, and has become a complete physical wreck. A part of the time he is able to move about, but generally is unable to sit up; much of the time he is obliged to have an attendant beside his wife, who is in attendance upon him continuously. He is also obliged to employ medical attendance many times a year, and has been compelled to do so ever since his discharge. The disability is practically the same as that for which the general law gives $72 per month. Your committee are not, however, willing to go quite to that extent, but think that an increase to $60 per month would be no more than justice requires.

Your committee therefore report back the bill and recommend that it do pass, with the following amendment: Strike out the words "seventy-two" in the seventh and eighth lines, and insert in lieu thereof the word "sixty."

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 491.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1850.]

The Committee on Pensions, to whom was referred the bill (S. 1850) granting a pension to Mrs. Annie C. Owen, having examined the same, report as follows:

The evidence in this case shows that this officer entered the service as a second lieutenant in Company G, Fifty-seventh Pennsylvania Volunteers, on the 14th of December, 1861, and was discharged for disabilities, resulting from wound received while in the line of his duty, in October, 1862. From the testimony presented to the committee of his subsequent treatment at different periods for diseases growing out of such wound, resulting finally in his death from heart disease in June, 1876, your committee are of the opinion that said disease was superinduced by the wound received in the ribs at the battle of Malvern Hill, and they therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 492.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1607.]

The Committee on Pensions, to whom was referred the bill (S. 1607) granting an increase of pension to James E. B. Dalzell, have examined the same, and submit the following report:

Your committee find that James E. B. Dalzell was a sergeant-major of the Fourth Pennsylvania Veteran Cavalry.

The disabilities for which he claimed his original pension were a gunshot wound in the head and loss of left eye. He was allowed therefor at the rate of $4 per month from October 30, 1864. From November 1, 1871, this pension was increased to $8 per month. From this period the effects of said wound rapidly grew more dangerous in their character, and the disabilities heavier to be borne, until they ended in incurable insanity, leaving the soldier totally helpless. During these various stages of increased disability his pension was likewise increased at the proper ratings, as follows: To $15 from February 7, 1872; to $24 from March 3, 1883; to $50 from May 1, 1884.

The claimant, through his guardian, applied to the Department for an increase of this last named rating, upon the ground that he was insane and totally helpless, and required the regular aid and attendance of another person; and further claiming that such increase should be to the full amount allowed by the general law for that class. This was rejected by the Pension Bureau for the reasons stated in the letter of the honorable Commissioner, which is appended hereto, as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 15, 1886.

MADAM: Replying to the request of Hon. J. D. Cameron, I have the honor to inform you relative to the pension claim of James E. B. Dalzell (insane), certificate No. 98412, that as the evidence fails to show that prior to June 16, 1880, he was by reason of the disability alleged—gunshot wound of head, loss of left eye, and resulting affection of right eye—rendered so permanently and totally helpless as to require the regular aid and attendance of another person, his rating cannot now be increased under the act of June 16, 1880, to $72 per month.

It appears from the evidence that he did not become insane until May, 1884, and from this date he has been properly pensioned under the law at $50 per month.

Very respectfully,

JOHN C. BLACK,
Commissioner.

Mrs. KATE MAY DALZELL,
Seventh Avenue Hotel, Pittsburgh, Pa.

It would appear from these facts that the claimant is only debarred from obtaining this increase to $72 by reason of a technical construction of a general law emanating from the Pension Bureau.

Your committee are of the opinion that the condition of the claimant clearly entitles him to the increase asked for, and which it was undoubtedly the intention of the law to grant, and therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 493.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 489.]

The Committee on Pensions, to whom was referred the bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, U. S. Navy, having examined the same, submit the following report:

The committee desire to present herewith the memorial of Mrs. Semmes, the widow of the late commodore, and the record of his professional services in the United States Navy, as follows:

Memorial of Mrs. Mary Mortimer Semmes, widow of the late Commodore Alexander A. Semmes, U. S. Navy, who died while in command of the United States navy-yard at Washington, D. C., September 22, 1885, to the honorable Senate and House of Representatives in Congress assembled, asking the grant of a pension of $50 per month.

Your memorialist, Mary Mortimer Semmes, widow of the late Commodore Alexander A. Semmes, U. S. Navy, would most respectfully state that her husband served his country with fidelity and conspicuous ability in all parts of the world, in peace, war, and in the presence of devastating epidemics, for a period of forty-four years, a detailed account of which service is herewith appended.

He was trusted and honored by his superiors, loved and esteemed by his equals, and respected by his subordinates until the hour of death.

During this long and most honorable career he, at times, temporarily succumbed to the influence of pernicious climate and the power of epidemic disease, notably to an attack of yellow fever while commanding the U. S. S. Portsmouth, on the South Atlantic Station, and again to the same plague during the prevalence of the fatal epidemic of 1872, at the navy-yard, Pensacola, Fla., while he was temporarily in command.

From these illnesses, contracted directly in the line of duty, he never fully recovered. Since 1874 he constantly suffered from congestion of the liver, and the accompanying digestive and heart complications.

Despite these physical troubles he continued on duty until the present year, when, during the performance of important and delicate service, his health, already weakened, broke entirely under the protracted strain.

With the hope of recuperation, and by the advice of his physician, he proceeded to a quiet and salubrious hamlet in Virginia, where he grew rapidly worse, and finally, in a fit of delirium brought about by his sufferings, he ended his life.

This dreadful event plunged your memorialist from a condition of entire comfort to one of almost absolute poverty.

Her husband, owing to the wants of a growing family, the expenses incident to his position, the needs of those collaterally dependent upon him, and unfortunate investments, had saved but little during his earlier years.

The emoluments pertaining to the office of a rear-admiral in the Navy, to which exalted rank he was about being promoted preparatory to his retirement from active service, rendered the close of his career pecuniarily secure.

The hand of death has deprived him and her of this solace, and she now finds herself, in her old age, a widow, a cripple, and almost an object of charity.

Her poverty is indeed so great that she has been compelled to resort to the precarious and hazardous expedient of keeping a boarding-house in order that she may provide the absolute necessities of life for herself and her two children, one a minor of tender years.

Wherefore she begs *that her petition be granted.*

Brief of record of professional services of the late Commodore Alexander A. Semmes, U. S. Navy.

Born in the District of Columbia. Appointed midshipman from Maryland October 22, 1841; attached to receiving ship Pennsylvania same year; to Vandalia in 1842, coast of Africa; to U. S. flagship Macedonian in 1843, on same station; attached to U. S. S. Saratoga, and participated in a skirmish with the natives at Grand Bereby, Africa; served on board U. S. S. Vincennes, East India Station, 1845–'46; attached to flagship Columbus 1846, on East India and Pacific Stations; in attendance at Naval School, Annapolis, 1847.

Promoted to passed midshipman August 10, 1847; at Naval Observatory, Washington, 1847; U. S. S. Congress, Brazil Station, 1851–'52; U. S. Coast Survey 1853; Naval Observatory 1854.

Promoted to master 1855.

Commissioned as lieutenant September 15, 1855; ordered to U. S. S. Massachusetts, Pacific station, 1855–'57; on November 21, 1856, commanded a force of twenty-three sailors and marines in a successful attack upon an encampment of one hundred Russian-American Indians in Puget Sound; on board U. S. S. Powhatan, East India Station, 1859–'60; U. S. S. Rhode Island, Atlantic coast, 1861; commanded U. S. S. Wamsetta, South Atlantic Blockading Squadron, 1862–'63; engaged in skirmish with Confederates on an island in Newport River, Georgia, April, 1862; commanded steam gunboat Tahoma, East Gulf Blockading Squadron, 1863–'64; attacked the batteries of Tampa, Fla., April, 1863, and in October, same year, attacked the same batteries as a ruse while dispatching a party of seaman to capture some blockade-runners; September, 1863, while in command of a light draught steamer, with detachments from various vessels of the East Gulf Squadron, made a demonstration on Bayport, Fla., which resulted in the destruction of an English blockade-running steamer and the warehouse containing her cargo; commanded the iron-clad Lehigh, South Atlantic Blockading Squadron, 1864–'65; bombarded Fort Pringle, rear of Charleston, S. C., July 7–10, 1864; on picket duty in the harbor of Charleston, S. C., during the fall and winter of 1864–'65; February, 1865, commanding the Lehigh and senior officer of six vessels operating against the Confederate defenses on James Island; at fall of Charleston, S. C., 1865, commanded the Lehigh in a midnight bombardment of the Howlett House batteries on the James River, at the fall of Richmond; on ordnance duty in Philadelphia, 1866–'68.

Commissioned as commander July 25, 1866; commanded U. S. S. Portsmouth, South Atlantic Station, 1869–'71; at navy-yard, Pensacola, 1872–'74; part of this time as its executive, and, after the death of its commander from yellow fever, as the commandant.

Commodore Semmes, as lieutenant, commanded the U. S. brig Dolphin, which was temporarily commissioned at the commencement of the civil war for the protection of public property at Norfolk, Va., and while on the East India Station he rendered assistance to the English and French forces in their attack on the Peiho forts, in China, by towing the English reserves into action.

Commissioned as captain August 24, 1873, and commanded the U. S. S. Alaska, European Station, 1875–'76, and during this service afloat he conducted negotiations between the Republic of Liberia and several of her subject tribes, which resulted in a treaty of peace, and obtained for him the thanks of the Navy Department; he was ordered as executive officer of the navy-yard, Washington, D. C., in 1880, promoted to the rank of commodore March 10, 1882, and in June, 1883, appointed to the command of the Washington navy-yard, which position he occupied at the time of his death.

The brilliant services rendered by this officer should be a sufficient guarantee that his wife and family, being entirely dependent upon him, ought to receive from the Government some evidence that the country is grateful for his long, faithful, and meritorious services.

Mrs. Semmes was not granted a pension by the Department, because of his having taken his own life while suffering from temporary aberration of mind, brought on by disease.

The personal habits of Commodore Semmes were such as to place him above the suspicion of contributing to this alienation of his mental faculties, and the committee are strongly of the opinion that death by his own hand was the result of disease contracted while in the line of duty in the service. They therefore recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 494.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5779.]

The Committee on Pensions, to whom was referred the bill (H. R. 5779) granting a pension to Peter Faulkner, having examined the same, report as follows:

Peter Faulkner enlisted February 7, 1865, in Company D, United States Engineers, for three years. The testimony in case the shows that he contracted rheumatism while working in the sinking of a shaft for a magazine. Although the Pension Bureau declined to grant him a pension, on the ground that the disability did not arise while in the service, the committee are of the opinion, after an examination of the evidence in the case, that such disability did so arise while in the line of his duty, and therefore recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 495.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2011.]

The Committee on Pensions, to whom was referred the bill (H. R. 2011) granting a pension to Joseph Chalfant, having examined the same, report as follows:

In this case it is claimed that Joseph Chalfant, a private in Company L, Sixth United States Cavalry, was severely injured June 10, 1863, at Dumfries, Va., while engaged in breaking a vicious horse for the use of his regiment. The soldier was discharged from the Army by reason of this injury, and was treated therefor during a period of three years.

In 1872 he was thrown from an engine, receiving a flesh wound in his right arm. Dr. W. C. Parker testified as to that substantially as follows:

> I found him suffering from a *flesh* wound of the right arm; treated the arm for fourteen days, when amputation became necessary, not, in my opinion, from the extent of the injury, but from want of nerve power or reparative function for a healing process.

In dissecting the arm he found no trace of nerve below the middle third of the humerus. He also states that the arm was considerably smaller than the left arm.

This committee adopt the views of the House Committee on Invalid Pensions, that the loss of the soldier's right arm was the direct consequence of the original injury received in the service, and therefore recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 496.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1989.]

The Committee on Pensions, to whom was referred the bill (H. R. 1989) granting a pension to John C. Frees, have examined the same, and respectfully report:

The committee find the claimant enlisted in Company I, One hundred and twenty-eighth Pennsylvania Volunteers, at Reading, Pa., on August 4, 1862, and was discharged March 19, 1863, for disability.

Upon a thorough examination of the papers and evidence, this committee concur in and adopt the report made by the House Committee on Invalid Pensions, which is hereto appended:

Claimant alleges that about September 5, 1862, he came under the treatment of T. A. Helwig, assistant surgeon, One hundred and twenty-eighth Pennsylvania Volunteers, for ulcerated varicose veins of left leg, and the next day was sent to the division hospital at Alexandria, Va., where he remained until October 31, 1862, when he rejoined his company at Maryland Heights, Virginia. December 2, 1862, was sent to Chestnut Hill Hospital, Philadelphia, where he remained until discharged. The varicose veins kept growing worse until November 27, 1875, when the leg was amputated above the knee. This claim was rejected upon alleged evidence showing that varicose veins existed prior to enlistment, and were not due to claimant's military service.

Your committee have carefully examined the evidence of various persons who knew him prior to his enlistment, and they all testify that he seemed to be a hearty, active man, who was constantly on his feet, moving about in the pursuit of his vocation, which was that of a peddler, and that they never heard him complain of his legs. That varicose veins existed in this soldier's leg is entirely a matter of inference from their rapid development after he was exposed to the fatigue and hardship of a soldier's life. But your committee are of the opinion that any such inference is not justified by any evidence, and that it would, in this instance, work a great hardship on claimant, who is very poor, a cripple, and left by the death of all his relatives entirely alone, and to a considerable extent helpless. He earns a precarious subsistence by keeping an open-air fruit stand. The point in this case which most forcibly impresses your committee is the fact that not only is an inference prejudicial to the claimant drawn from the rapid progress of the disease and the absence of any direct proof as to the soundness of the leg prior to enlistment, but that this inference is drawn in spite of the fact that the claimant passed a physical examination by regularly appointed examining surgeons.

Your committee therefore report favorably, and recommend that the bill do pass.

In view of the foregoing statements this committee recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 497.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1567.]

The Committee on Pensions, to whom was referred the bill (H. R. 1567) granting a pension to Philip Jacobs, have examined the same, and report as follows:

The committee find upon examination of the papers that Philip Jacobs was a private in Company F, Fifty-first Pennsylvania Volunteers. His claim for pension was disallowed by the Pension Bureau upon the ground that the disability for which such claim was made, viz, hemorrhoids, was the result of a broken-down constitution, which existed at the time of enlistment. In rejecting the case the Pension Bureau states that—

While the evidence will not justify a positive statement that the disability originated from the condition of the soldier's constitution at the time of enlistment, the record evidence is decidedly adverse to the claim for pension, and in view of that record it appears to the Department more probable that the disability originated from the condition stated than from causes connected with the applicant's military service.

The following record evidence and testimony are taken from the report made by the House Committee on Invalid Pensions:

The record evidence filed shows the following facts: That claimant was enrolled the 16th day of September, 1861, at Norristown, in Company F, Fifty-first Regiment of Pennsylvania Volunteers, to serve three years, or during the war, and was mustered in the service as a private the 16th day of October, 1861, in said regiment. On the muster-rolls of Company F of that regiment for the months of November and December, 1861, he was reported transferred to regimental band, November 16, 1861. Muster-rolls of fields and staff and bands for November and December, 1861, to June 30, 1862, report him musician, present. Discharged the service at Fredericksburg, Va., August 10, 1862, by reason of disability, and no record of origin of piles is alleged.

Examining Surgeon John Schimmet states, December 9, 1878, that he had carefully examined claimant, and that claimant is incapacitated for obtaining his subsistence by manual labor from the cause stated; that the said disability did originate in the service in the line of duty, and is probably permanent; that hemorrhoids were, externally, small, of little account, but claimant complains of frequent and exhaustive hemorrhage from internal hemorrhoids.

William J. Bolton, late colonel of said regiment, swears that claimant was a private in Company F; was mustered out with band in August, 1862, and that he contracted piles at Hatteras Inlet, North Carolina, the latter part of January, 1862.

William Darmon, M. D., of Philadelphia, Pa., testifies that he has known claimant a great many years, before and since he was in the service; that previous to his enlistment he was a hale and hearty man; that on his return from the service he was so emaciated and debilitated he called on him professionally; that upon examination he found claimant suffering from hemorrhage of the bowels or piles internal, with great irritant inflammation and protruding of the parts, even up to that time causing him many times to keep his room and confined to the house, unable to use any amount of

exertion for walking; that since his return from the Army he has not been able to do manual labor, or many times to attend to his business as a musician; also suffering from other chronic affections, rheumatism, ague, and diarrhea, the piles being the most prominent, brought on, as he believes, by exposure and overexertion, caused by long marches, wet, Army life and exposure while in the United States service; that said claimant was under his treatment for these diseases at the time of making the affidavit, and in the end would cause his death.

Henry Inderleid, John Rogler, John N. Rogler, Jacob Rogler, certified to be reputable men and entitled to credit, each swear that they were well acquainted with Philip Jacobs previous to his enlistment; that he was a sound, healthy, industrious able-bodied man, and free from piles.

From the foregoing facts the committee are justified in the conclusion that previous to and at the time of claimant's enlistment he was a sound and healthy man, that he contracted the disease complained of while in the service of his country in the line of duty, which has continued, rendering him unable to perform manual labor by which to obtain a subsistence, and which will ultimately result in his death.

Your committee therefore recommend that the bill do pass.

The committee accept the conclusions reached in the foregoing report, and unite with the said House committee in recommending the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 498.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1506.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1506) granting a pension to James McAnny, having examined the same, report as follows:

The claimant, James McAnny, entered the service July 27, 1861, in Company C, First New York Cavalry, and was honorably discharged in 1863. Upon examination of the testimony, he seems to have been injured by his horse, having been shot, falling upon him, breaking several of his ribs and injuring his lungs; also at the same time and place he received a gunshot wound in his left leg. A pension was denied him by the Pension Bureau on the ground that the disabilities under which he suffers, and for which he was discharged, viz, tuberculosis, did not originate in the service. This committee concur in the opinion of the House Committee on Invalid Pensions, that the present disabilities of the claimant are not only the result of, but have been greatly aggravated by, the injuries received in the service.

Your committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 499.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4132.]

The Committee on Pensions, to whom was referred the bill (H. R. 4132) granting a pension to Mary E. Johnson, having examined the same, report as follows:

The committee desire to state that, after a thorough investigation of the facts and evidence submitted in this case, they have reached the same conclusions obtained by the House Committee on Invalid Pensions in their report, which this committee herewith present and adopt as their own, as follows:

The claimant, whose maiden name was Mary E. Wilson, married Daniel M. Rose (a soldier home on a furlough from some hospital at Philadelphia, Pa.), at Trenton, N. J., September 17, 1863, both parties being under age at the time of the contraction of the marriage, and the parents of Rose opposed to the union. Rose returned to the hospital the following day, and the claimant has seen him but once since, when, while home on a furlough some time in 1864, he called at the house of her father, accompanied by a strange woman, whom he introduced as his wife, and on claimant's informing both that she was the lawful wife and had a marriage certificate, the woman became angry and said the claimant had no right to claim Rose as her husband, as he belonged to her. Rose did not deny the woman's assertions, and soon took her away. This interview took place on the doorstep of claimant's father's house, neither Rose nor the woman entering the house. The claimant has never seen Rose since, and never heard from him until she received a letter written by him bearing date August 17, 1885.

In letters received by friends of claimant from their soldier relatives and friends in the service, it was frequently stated that Rose died in hospital in the service, and it soon became common rumor and talk that he was dead. The claimant never hearing from him, and not being able to gain any information to contradict these statements, believed Rose dead and herself a widow, and about this time losing her babe, the offspring of this marriage, was broken down with grief, and mourned the death of both husband and child.

She remained with her own family, believing herself a widow, until October 29, 1867, when she married John W. Johnson, who also had been a soldier, serving in Company G, Tenth Regiment New Jersey Volunteers. Johnson, while in the service at Petersburg, Va., in the fall of 1864, contracted nervous and typhoid fever which resulted in the utter loss of control of the nervous system, caused by severe exposure and hardships incident to army life. He returned home a total wreck, and May 24, 1879, filed a declaration for pension, and his claim was still pending, though proven, at the time of his death, April 26, 1885.

The claimant, as the widow of Johnson, filed her declaration for pension May 19, 1885, alleging that Johnson's death, April 26, 1885, resulted from disease contracted in the service. She admitted the former marriage to Rose, but claimed that he had died in the service a number of years prior to her marriage to Johnson. The records of the War Department, together with investigations, developed the fact that Rose had not died in hospital, but had been discharged from service and was living with another wife, and child of about nine years of age, at New Brunswick, N. J., within 15 miles of the claimant, and was a pensioner.

Charles T. Pearce, in the interest of the claimant, visited Rose, who spoke very lightly of his former marriage to the claimant, and asserted that he did not consider the marriage binding, for the reason that at the time of the marriage both Mary (claimant) and himself were but children and under age, she being about seventeen years old and he about twenty; that he had not seen her since returning to the service after the marriage, though he may have called on her in 1864, when home on a furlough, with a strange woman, who claimed o be his wife, but that he was not married to her.

Rose further stated that he married his present wife August 9, 1869, and that they lived together and had one child, a boy, about nine years old; that his present wife knew nothing of his former marriage, and he did not wish her to know anything about it. When told the claimant, his former wife, was living about 15 miles distant from him at South Amboy, N. J., he seemed surprised, and said he did not think she had committed a wrong act in marrying John W. Johnson, as she had a perfect right and the best of reasons for believing herself a widow. He seemed but little concerned as to the fate of his first wife and child; the latter he never having seen, had no desire to know what had become of it. A few days after this interview the claimant received a letter from Rose, a copy of which is given below:

NEW BRUNSWICK, *August* 17, 1885.

TO MRS. MARY E. JOHNSON:

Pardon me for writing to you, but I have just learned that you have lost your husband. Permit me to offer my sympathies. Mary, it has been a good many long years since last we saw each other. Alas! what changes time has made; it is so with me, and I suppose it is with you; twenty years, then we both were children; now we are both growing old; soon death will call us; but, Mary, things have been done which can never be undone. Mary, last week a man by the name of Pearce called at my house in regard to your getting a pension; he told me of your loss; it was the first I had heard of you since the last we met, twenty years ago. I always thought you had moved to New York, and it was a surprise to me to hear that you was in South Amboy.

Now, Mary, I would very much like to see you and have a good long talk with you, for the sake of old times. Will you grant me one meeting? On the 26th of this month there is to be a temperance picnic at Boyton Beach, a little ways from Perth Amboy; if nothing happens I will come down on the boat; will you be on the dock when the boat lands at South Amboy? If you will, I will get off. The boat gets there, at Amboy, about 7½ or 8 o'clock in the morning; or could you come up to New Brunswick, if I sent you some money, or any other place I can see you?

Mary, I do not think you would know me now; twenty years make great changes. I have been sick for four years; for over two years I did not do anything, and for weeks I thought I would never live through the night; but by the will of God I am now getting better, though not well yet. Mary, many times while lying on my sick bed have I thought of you and wondered if you were alive, yet never thinking that you were so near me, and when Mr. Pearce informed me of your whereabouts I was very much pleased to hear of you, but sorry to hear of your loss. Please answer this as soon as you can, and let me know if I can see you.

I remain, yours ever,

DAN.

Address: Daniel M. Rose, No. 102 Neilson street, New Brunswick, N. J.

There is no evidence indicating that a meeting ever took place.

In an affidavit bearing date August 12, 1885, Rose says:

"I enlisted in Company I, Eighth Regiment New Jersey Volunteers, September 13, 1861, and re-enlisted April 28, 1864, and was finally discharged June 19, 1865. I am drawing a pension of $24 per month for a wound received at Chancellorsville, Va., May 3, 1863, in the left arm, and my pension certificate is No. 61742. I am a married man, and have one child. Was married the second time August 7, 1869.

"When I was in the Army, and after I was wounded and in the hospital (McClellan) at Nicetown, Philadelphia, Pa., I went to Trenton, N. J., and while there married a woman named Mary E. Wilson, but never lived with her afterwards. As soon as I was married, or within a day or two afterwards, I returned to McClellan Hospital and remained there until the following spring, when I was transferred to Veteran Reserve Corps, and remained around Washington, D. C., until discharged; and on my arrival home at Trenton, N. J., my parents were so opposed to my marriage to said Mary E. Wilson that I never saw her afterwards. I learned, however, that she had left Trenton, N. J., and had gone to Easton, Pa., to her parents' home, and I went there once, but could not find her, and, in fact, after making some few inquiries I gave it up entirely, and, in fact, believing the marriage was illegal, as Mary was but seventeen years old and I but little older (not twenty-one years old), and not being well versed in law, and knowing the continued opposition to said marriage by my parents, I gave

the whole thing up. One child was born by this marriage, but it died before the war was over, and I never saw it.

"It was reported that I died while in the McClellan Hospital, and on my arrival home a number of my friends met me and informed me of my reported death, and seemed surprised to see me alive. I think Mary E. Rose, my wife, had good reason to believe that she was a widow at the time of her marriage to John W. Johnson, in the fact, the best of reasons, as I had but little correspondence with her and may have sent her a very little money once or twice; then ceased writing to her; then the common report of my death; then my never seeing her nor she me, and in all probability never hearing even indirectly from me. I am sure her reasons for believing herself to be a widow were excellent, and I do not feel that she had any claim on me or I on her after I left her and failed to hunt her up afterwards. I remarried, believing, as I did, my first marriage was illegal; and never hearing from her, I came to the conclusion that I had a perfect right to marry, and did so, after being home some four years. I only know that she is living, as you told me. I think I heard a few years ago that she had remarried again, but took no pains to verify it, as I did not think it concerned me.

"My present wife does not know of my first marriage, nor do I wish her to know of it, as she has been a very devoted wife; and during the last four years I have been sick nearly all the time, and my wife has been a faithful and loving nurse, and looking well after me and our one child, a boy about nine years old.

"I did not know John W. Johnson, but may have heard of him. When home on a furlough there may have been a strange woman with me, but I was not married to her; she may have said so, but I do not remember that I did. I do not remember that I saw the said Mary E. Rose, now known as Mary E. Johnson, at that time. I do not remember of ever having seen her since I married her in 1863. After I married her I returned to the hospital and fail to remember ever having seen her since."

It is proven that John W. Johnson, the second husband, contracted typhoid fever in the service, which resulted in disease of nervous system; that from the time of his return from the service until death he was a constant sufferer from his disability, and during the latter years of his life was totally incapacitated for work, being weak and emaciated, with sunken eyes and feeble voice, and his skin a pale yellow. There was a total loss of sensation of the arms and legs and a loss of co-ordination in walking and total inability to walk or stand with his eyes closed. He gradually became worse until death followed. During his lifetime he was under the treatment of physicians continuously without any beneficial results.

Dr. S. H. Lewis, of South Amboy, N. J., in an affidavit filed June 9, 1885, testifies—

"That he and his brother, W. C. Lewis, have been treating John W. Johnson for about three years at various times, and about eighteen months ago found diminution of nerve power, especially the genito-urinary organs, and upon examination found him very much diseased in the lumbar region, and the spinal column was also very much involved and loss of co-ordination being present in the lower extremities. The disease progressed rapidly until the brain and spinal cord were greatly affected, his vision impaired, and in a few days before his death his memory failed him to a great extent. His sufferings were excruciating pains, particularly of the abdomen and limbs, and toward the last œdema of the limbs and abdomen being very conspicuous. Treatment was first cauterizing the spinal cord thoroughly, followed by use of galvanic battery; then giving iodide of potassium and ergot; then seeing no improvement, and believing there was no possible cure, we then put him upon treatment with tonics—iron, quinine, and strychnia—and used many other remedies, but with no success, and death followed on the evening of the 26th day of April, 1885, the direct cause of death being locomotor ataxia.

"We examined him thoroughly and failed to find any signs or symptoms of any venereal disease whatever, not even gonorrhea, and do not believe that he ever had any disease of this nature. The wife and children are in perfect health."

Dr. W. C. Lewis corroborates the above.

Dr. T. B. Hood, of the Pension Office, in an opinion filed in the case, says:

"The loss of control of nervous system, or locomotor ataxia, cannot be accepted as a result of inflammation of lungs, or of gastritis, but said locomotor ataxia may be, and in view of evidence probably was, a result of typhoid or typhus fever of service. In view of evidence and the pathological probabilities based on such evidence, syphilis should certainly be eliminated from this case."

Both claims for pension were considered, and November 17, 1885, a certificate was issued in the John W. Johnson case, a copy of which is appended.

[No. 311889. Original. United States of America, Department of the Interior, Pension Bureau.]

It is hereby certified that, in conformity with the laws of the United States, John W. Johnson, deceased, who was a private, Company G, Tenth Regiment New Jersey Volunteers, is entitled to a pension at the rate of $6 per month, to commence on the 30th

day of May, 1865, and $18 per month from February 8, 1882, and $24 per month from March 3, 1883, and to end April 26, 1885, date of death. This pension being for disease of nervous system, result of typhoid fever.

Given at the Department of the Interior this 17th day of November, 1885, and of the Independence of the United States of America the one hundred and tenth.

H. L. MULDROW,
Acting Secretary of the Interior.

Countersigned:

JOHN C. BLACK,
Commissioner of Pensions.

The claim of the widow was rejected by the Pension Office because claimant was not the legal widow of the soldier, but was the legal wife of another man when she married him, and no separation in accordance with the law. The widow was also debarred from receiving the accrued pension due the soldier, and the same now remains intact in the hands of the Government.

By her second marriage the widow became the mother of four children, the oldest born June 21, 1872, and the youngest May 12, 1882. She bears an excellent reputation in the immediate neighborhood in which she lives, and both she and her second husband, who appears to have been a strictly sober, honest, and Christian man, have always been considered most respectable citizens. From the vast quantity of evidence on the subject, it clearly appears that Rose married the claimant while an innocent child for his own selfish purposes (there being no evidence to show it was compulsory), and then basely deserted her, intending at the time never to return to her, and he can be indirectly charged as originating the story of his death in the service and superintending its circulation through other soldiers in the service in writing to their friends, so as to make more complete the desertion. He returns from the service, makes a few inquiries, and gives up the search because he knew his parents opposed his marriage, and finally married again.

The claimant, it would seem, had a perfect right to believe herself a widow, never hearing from Rose, and rumors as to his death in hospital being confirmed by letters from persons in the service and supposed to be near him. He married her in 1863, and immediately deserted her; but, true to him, she remained with her parents as his widow until 1867, when she contracted the second marriage.

Rose knew her whereabouts, and also that his scheme as regards the story of his death had worked well, and that she believed herself a widow. He intended that she should remain forever in ignorance as to his being alive, and by his continued stay from her confirm the rumor of his death. He was at that time, and is now, undoubtedly, a man of base intentions.

The claimant was the victim, and the error she committed by the second marriage was undoubtedly done innocently; and therefore your committee are of the opinion that she should be recognized as the widow of Johnson, and under that name and as his widow receive, not only the accrued pension due her second husband at his death on said pension certificate No. 311889, but also be placed on the pension-roll, with her four children, and draw a widow's pension.

Your committee recommend that the bill do pass.

This committee do, therefore, recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 500.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2056.]

Your committee have had under consideration for some time Senate bill 927, "to extend the benefits of the act approved March 3, 1879, and the act of March 3, 1885, to certain pensioners whose disabilities are caused by amputation, and increasing the rate therefor, and for other purposes," but have not been able to concur in a favorable recommendation of the same. They have therefore agreed to report a substitute for that bill, embodying such matters as the committee could indorse. It is proposed to explain briefly the reasons for this action.

The subject matter of this proposed legislation is the increase of the pensions of all those who have suffered amputations of a hand or foot, leg or arm.

The following table will show the history of the legislation on this subject:

Rates and disabilities specified by law.

	From June 6, 1866.	From June 4, 1872.	From January 4, 1874.	From March 3, 1879.	From March 3, 1883.	From March 3, 1885.
Loss of a hand or foot, or any disability equivalent to loss of either hand or foot	$15 00	$18 00	.....	.....	$24 00	.....
Amputation at or above the elbow or knee, or any disability causing inability to perform manual labor	15 00	18 00	$24 00	.....	30 00	.....
Amputation at hip joint	15 00	18 00	24 00	$37 50	.....	.....
Amputation at shoulder joint	.....	.....	.....	.....	.....	$37 50

It will thus be seen that when Congress first fixed a specific rating for these amputations they were all included in one class at $15 per month. This rate was increased in 1872 to $18 per month, but no change was made in the classification. In 1874, however, the attempt was made to discriminate between the amputations *below* and those *above* the knee or elbow joint. The latter were raised to $24, and the former remained as before, thus forming two classes.

The act of 1879, referred to in the bill, S. 927, simply raised the rate for those who suffered amputation at the hip-joint to $37.50, thus forming a third class.

This classification was recognized in the act of 1883, which simply increased the amputations *below* the knee or elbow to $24, and those *above* to $30, and made no change in the third class, *i. e.*, those amputated at the hip-joint.

The act of 1885, referred to in the bill, S. 927, simply raised the rate for those who suffered amputation at the shoulder-joint to the same rate allowed for those at the hip-joint, $37.50, thus recognizing the established classification. It was thought that this would more equitably relieve those who suffered the most severely, and also because it was claimed there was no just reason for granting more for an amputation at the hip-joint on account of resulting greater disability.

The classification then under existing laws is:

(1) For all amputations *below* the knee or elbow	$24 00
(2) For all amputations *above* the knee or elbow	30 00
(3) For all amputations at the hip or shoulder joint	37 50

Senate bill 927 proposed first to increase all of the second class to $37.50, where the remaining stump was in such a condition as to prevent the wearing of an artificial arm or leg; and, then, from and after March 3, 1879, to increase this rate to $50, and the rate for the first class to $35, thus practically making but two classes instead of three, as at present.

In this connection we call attention to the recommendations upon this subject made officially before your committee by the regularly authorized pension committee of the Grand Army of the Republic, on January 19, 1886, as indicative of the sentiment of soldiers themselves. This committee was specially chosen to represent that organization, now numbering over three hundred thousand members, in all matters pertaining to pension legislation. They say:

We favor the following pensions:

For amputation below the knee or elbow, $30 per month.

For amputation of leg or arm, above the knee or elbow, or so near the knee or elbow joint as to render the joint useless, $40 per month.

For amputation at the hip or shoulder joint, or so near thereto as to prevent wearing an artificial limb, $50 per month.

Your committee, individually and collectively, have received thousands of letters from old soldiers in all parts of the country, who have suffered these amputations as the result of wounds received in the service of their country in her hour of need. Many of them detail in the most vivid manner their terrible experiences and their patient lives of constant pain and terrible suffering. A collection of these letters would indeed form a very chapter of horrors. It is impossible to present here these pathetic appeals, wrung from brave men by the constant torture that breaks down the system and brings the victim to an untimely grave, but we cannot forbear extracts from a few, taken at random from hundreds of others like them.

* * * I lost my left leg at Fredericksburg, amputated at knee-joint. It is an impediment to my earning a living for myself, wife, and three children, as I cannot, at times, get around to attend to the work I may be able to do, and therefore employers don't want me. I have at times intense pain, and experience great suffering, so much so that death seems preferable. * * *

JOHN DEMPSEY,

Private Company C, One hundred and sixteenth Regiment Pennsylvania Volunteers.

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* * * I had my leg amputated near the hip joint. The stump is just long enough to put on a wooden leg, but not long enough to make it of much use, for after I have had the leg on a few days it makes the stump so sore I have to take it off and go on crutches. It has caused partial paralysis on the injured side and injured my eye-sight and hearing to a great extent. When I attempt to use a wooden leg the old suture reopens, and I have to call a physician for relief. * * *

PAUL BAUER,

Private, Seventy-fourth Pennsylvania Volunteers.

* * * My arm was amputated near the shoulder joint, leaving a stump about an inch long. While the stump healed tolerably, yet being of a rather scrofulous temperament, the glands in the region of the shoulder took on an inflammatory action and afterwards suppurated, which extended down the chest and involved the ribs, resulting in necrosis of them, further extended involving the lung tissue, and for the last three years abscesses form and break every few weeks or months in the lung, until the left lung is at least half destroyed. Each year I fail physically, so much so that for the last three or four years I am confined to my room a large share of the time. * * *

E. F. KRAUSE,
Private, Company D, Fiftieth Regiment Pennsylvania Volunteers.

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* * * I was a private in Company I, One hundred and forty-second Regiment Pennsylvania Volunteers. At Gettysburg, on the 1st day of July, 1863, I received two gunshot wounds in right arm between the elbow and shoulder joints. Soon after I was taken and remained a prisoner till the enemy left. Eight days afterwards my arm was amputated near the shoulder joint, on the battle-field. The operation was a poor one. Gangrene set in, and the result was a bad and ever painful stump. Most of the beneficiaries under the proposed legislation are absolutely incapable of anything like manual labor, and but few of them are qualified for any of the professions. Most of them are very poor and have families to support. Their ranks are rapidly diminishing, and it will be but a few years till all will have answered to roll call on the silent shores of eternity.

JAMES W. SHAW.

I hereby certify that I have attended Mr. John O'Brian, on frequent occasions for a week at a time, because of inflammation and pain in the stump of the amputated leg. That there is almost constantly a discharge, due, I believe, to a diseased bone in said stump. If the discharge ceases the stump becomes swollen, reddened, and painful, growing worse until it opens, when relief is again obtained. That he suffers from frequent attacks of neuralgia originating in the stump.

Respectfully yours,

H. A. MOWERY, M. D.,
Marietta, Pa.

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* * * By premature discharge of cannon "in the line of duty," my right arm is amputated 5 inches below elbow. The stump is *totally* and permanently paralyzed to a point 3 inches *above elbow*, and from this point to shoulder it is in a two-thirds paralyzed condition, and hangs a useless and dead weight to the badly fractured shoulder. I suffer constantly much pain of the nerves, and at times this pain almost drives me desperate. My nervous system is now badly shattered, and the least attempt at manual labor puts me in a tremor. I hope my disability may be considered at least with amputation above elbow. The arm being much worse than if amputated above elbow, so that physicians and friends here have advised to have amputation performed. Of course, I have never used or can use an artificial arm; it would be an unbearable addition to an already useless weight.

I have family and an increase of pension would greatly bless them and

Yours, very respectfully,

LAFAYETTE BROCKWAY,
Late of Company B, First Wisconsin Heavy Artillery.

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* * * I am one of three survivors of that generally fatal operation, "amputation of the hip joint." When, in March, 1879, the bill was passed giving us an increased pension, there were but five of us living; since then two have passed away. At the end of the war there were but seven survivors out of eighty-odd that had this operation performed upon them.

We have had the most ingenious of limb-makers at work trying to devise some method by which their limbs could be made useful to us; all have given up, baffled. We are obliged, therefore, to go on crutches the remainder of our lives. You can readily perceive how very few avenues of making a livelihood are open to us. We are all poor men, dependent upon our own limited means for a living, and hard work it is to make both ends meet. Very frequently I have pains, neuralgic or rheumatic in

their character, in the amputated portion, or stump. As it is a genuine "amputation of the hip joint," there is but a small portion remaining.

I am unable to do any manual labor, and can only sit and perform what duties I am able to do, clerical in character. As there are but three that this bill, or that portion of it that applies to us, will benefit, we trust that you will report it favorable, as we are sadly in need of the increased sum it will give us, and our families also.

Colonel Withers, of Virginia, formerly a Confederate surgeon, on my visiting him and convincing him that there were such survivors of this operation, which he doubted until then, reported favorably, and urged the passage of the bill of March, 1879. He was then chairman of the Pension Committee of the Senate, it having previously passed the House. He at once saw the justice of the bill, and we hope you will now do the same and make a favorable report and use your influence to have it passed, thus putting us under lasting obligations to you and your committee, and believe us to be,

Your obedient servant, and very respectfully, yours,

E. D. ULMER,
1630 *Willington street, Philadelphia, Pa.*

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* * * I belonged to the Twenty-first Pennsylvania Cavalry, Company G. I lost a limb while in the service; had gangrene in it three times, and a running sore eleven years, so I lost the use of it to the hip, but the limb is amputated ten inches below the knee joint. I get $24 per month. I applied for an increase, but it was rejected on the grounds that the limb was off below the knee. I think I ought to be allowed more, as I cannot wear an artificial limb at all.

DANIEL SMITH.

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* * * Many of our soldiers, like myself, are unable to do any work on account of our disabilities, and the pensions we now receive are not sufficient to support our families in a comfortable manner.

Many of them are contemplating removing to the Soldiers' Home, if something is not done for our relief. Men of pride and independence hesitate before taking this step, because they hope Congress will do something for them, which will place them above want.

We that are unable to labor feel that we are justly entitled to a competence from the Government that will enable us to support ourselves and families in a comfortable manner, at least.

Sir, I appeal to you in behalf of those who suffered that the nation might live to do something for us.

LUTHER F. PAIGE.
Canaan, Me.

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* * * I am now fifty-five years of age, in almost destitute circumstances, unfitted to earn my support in consequence of the loss of my arm and other infirmities superinduced by the hardships of the camp and bivouac. I now am solely dependent on my pension for a living.

WM. WAKENSHAW,
Fifth Regiment Michigan Volunteers.

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* * * I write to call your attention to Senate bill 927, for increasing the pension of maimed soldiers. Having lost my left arm near the shoulder at the battle of Malvern Hill, Virginia, being a member of Company A, Fourth Michigan Infantry Volunteers, I have strong reason to urge your favorable attention to the bill. I find that in addition to the natural disability, such a loss also prevents the advantageous buying of policies in accident or life insurance companies, thus robbing us and our families of a higher measure of such protection.

J. W. KWAGGS.

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* * * In 1864 I lost my right arm, near the shoulder, and am now drawing a pension of $30 per month. By reason of said amputation my health has always been *poor.* I have never seen a well day since it took place. My stump is exceedingly

tender and requires constant care. It has always been a source of great physical pain, and is so to-day, and to all who have lost an arm many of the avenues of making a living are closed. To him there are comparatively few ways in which he can support himself and family, and this fact, coupled with the physical suffering which he must of necessity endure, ought to make him peculiarly a "ward of the nation," and he ought to receive a pension which of itself would provide him and his family with the necessaries of life at least. This his present pension does not and cannot do.

A. D. CADWALLADER.

The following memorial well epitomizes the hundreds of other letters of like character, which it is impossible to quote:

The undersigned pensioners of the United States, who are now drawing pensions for loss of legs in the United States military service in the war of 1861, and each of whom has suffered the loss of a left leg by reason of gunshot wounds received in battle, desire to submit to your committee some reasons why the pensions now drawn by us respectively, and by pensioners of our class as well, should be increased:

(1) We find that as we grow older our ability to work is greatly lessened and weakened, because (*a*) we are compelled to follow sedentary occupations; (*b*) the power, both mentally and physically, to endure labor is leaving us, when ordinary men of our age are in their prime; (*c*) our weakened condition makes us very susceptible to such disorders as neuralgia, dyspepsia, malarial disorders of various kinds, and to other diseases generally, and we can truthfully say that at forty years of age, in the large majority of cases, our power to do effective work in any department of life has passed its prime.

(2) We are generally men having families to support. We see before us a strong probability, by reason of our condition, of being taken away by death at a much earlier age than that usually attained by men not injured as we are, and we are debarred from the privilege of procuring life insurance in any reliable company by reason of the injury, such companies invariably rejecting us on the ground of the injury, so that whatever provision we leave for our families must come either from our work or from what small saving we can make by reason of our pensions and work combined. Two of us have within the past ninety days been rejected by life insurance companies on the ground of our injuries by amputation.

(3) The limited number of men of our class now living we feel will not place so large a burden on the Government as that the increased cost to the country would constitute a valid reason for refusing a reasonable addition to our pensions, and it would result in a great comfort to us in our declining years, and confer upon us a still more lively sense of the beneficence of the Government for which we suffered, and for which we have suffered all these years following our injury.

(4) We do not ask this with a feeling of mendicancy, but we feel and know that men not injured as we are cannot understand the long drawn out misery (for no other term will express it) of life to a one-armed or one-legged man. We consider that our term of service did not close with our discharge. The burden of our army service still remained, and remains with us, to be stumped out as long as our years continue, and for each moment of those years, and the burden is a hundred per cent. and more greater now than at first. This is, we unhesitatingly affirm, the common experience of men of our class, and we feel that to us, at least, cannot be applied the argument that the service rendered does not entitle us to the grateful and generous consideration of the nation.

(5) We would not for a moment impugn the generosity of the Government to us in the past. We believe it has done for us all it felt able to do. But we feel also that now the country can easily afford us rest in our old age, and we believe it is ready to say to us that it will do so.

Asking your careful and candid judgment on the reasons above stated, we believe that you will find in them sufficient excuse for recommending such proper increase of pension as will make it commensurate in amount with our real necessities and the truth of the matters stated.

We remain, very respectfully,

M. M. BOOTHMAN,
Late private, Company A, Thirty-eighth Regiment Ohio Volunteer Infantry.
ROBT. D. DOLE,
Late private, Company A, Thirty-eighth Regiment Ohio Volunteer Infantry.
SIMEON GILLIS,
Late private, Company K, Sixty-eighth Regiment Ohio Volunteer Infantry.

Your committee, after a careful consideration of all these facts, did not think proper to adopt the changed classification proposed by Senate bill 927, nor did they approve of the form of the bill or the amended

ratings therein. They were, however, disposed to increase the present ratings, in view of all the facts, and that those suffering from these amputations must necessarily, as years go on and old age approaches, become more infirm and helpless, but to preserve the present system of classification. They have therefore prepared the present bill (S. 2056) as a substitute therefor, which in brief increases the rates as follows:

(1) Those now receiving $24 to $30.
(2) Those now receiving $30 to $36.
(3) Those now receiving $37.50 to $45.

This is as far as your committee are willing to go at this time, having in view the rates for other disabilities and diseases. It is not pretended that even and exact justice can be done to each and every case, or that the nation can adequately compensate those who have so long suffered for their devotion to her cause, but the line must be drawn, and we have endeavored to so fix it as not to unduly discriminate against other deserving pensioners.

We have also endeavored to provide for a very deserving class of persons by including in the class of those who have lost a hand or a foot to receive $30 all those "who have been totally or permanently disabled in the same," and making the same provision as to those who are totally or permanently disabled in the arm or leg, including them within the second class, to receive $36. We append hereto a detailed account of an instance where the pensioner is really in a worse condition than if the arm had been amputated. (See Appendix A.)

In regard to the probable increased expenditure necessitated by this increase of rates, we append hereto the letter of the Commissioner of Pensions, addressed to the chairman of this committee in response to an inquiry therefor. (Appendix B.)

Your committee therefore report the bill S. 2056, and recommend that it do pass.

APPENDIX A.

An instance of primary excision of the upper extremity of the left humerus after shot fracture, followed by necrosis of the shaft and disease of the elbow joint, and secondary extirpation of the remains of the humerus, and exsection of the upper extremities of the radius and ulna, has already been published.* The official report is appended:

CASE 1548.--Private J. E. F. Cleghorn, Company K, First New Jersey, aged twenty-seven years, was wounded at Mine Run, November 27, 1863. Surgeon G. L. Pancoast, United States Volunteers, reported that this man was "received at the Cavalry Corps hospital the day of his injury, with a gunshot wound of the left shoulder." On November 30, Surgeon H. K. Clark, Tenth New York Cavalry, excised the head of the left humerus and a small portion of the shaft. No particulars of this operation were reported. Surgeon E. Bentley, United States Volunteers, stated that the patient was transferred to Old Hallowell Hospital, at Alexandria, on December 5. The injured limb was much inflamed, and "an abscess formed at the elbow joint. This was freely incised on December 7, and the discharge of pus was very profuse. Simple dressings with a sustaining general treatment were employed for the next four months," when, on the approach of warm weather, the patient was removed to Ward Hospital, Newark. At this time the wound was healed, with the exception of a slight fistulous sinus, communicating with the sawn extremity of the shaft of the bone, although the entire shaft and condyles of the humerus subsequently became necrosed.

Assistant Surgeon J. T. Calhoun, U. S. Army, reported that, "on July 21, 1864, the patient was placed under the influence of a mixture of ether and chloroform, and that Acting Assistant Surgeon J. B. Cutter removed the entire remaining portion of the humerus, including the elbow joint, making a straight incision the whole length

* Photographs of Surgical Cases and Specimens, Washington, 1866, Vol. III, pp. 12 and 48; also a paper by Dr. J. B. Cutter (Am. Jour. Med. Sci., 1866, Vol. LI, p. 139).

of the arm on its outer aspect. No ligatures were applied. Silver sutures were used. Union by first intention took place nearly the entire length of the incision, and in three weeks after the operation was performed the patient was well and about. There was as yet no sign of the bone being renewed, although all of the periosteum that could be had been left." The result was satisfactory, and on October 20, 1864, the man was discharged from hospital and Army, and pensioned. In November, 1864, an apparatus was fitted to the arm by Dr. E. D. Hudson, 696 Broadway, New York, who made a careful report of the case, stating that after a comminution of the head of the left humerus by a minie ball, the upper third of the bone was excised at a field hospital, and that from consecutive disease, eight months subsequently, the rest of the humerus, with the upper portions of the ulna and radius, were removed. The first operation appeared to have been done through a straight anterior incision, the second through a longitudinal incision extending the length of the upper arm. Dr. Hudson remarked that the arm was healed, but "entirely flexile, muscles contracting zig-zag fashion, with contraction of an inch and a half, and much atrophy. There was no restoration of bone. There was strong power of flexion in the carpus and metacarpus, but the extensor antagonism was impaired."

A detailed account of the ingenious apparatus, a sort of exoskeleton, devised by Dr. Hudson, in this case, is printed in the paper cited from the American Journal of the Medical Sciences, 1866, page 141, and is accompanied by a wood-cut. Drs. Cutter and Hudson sent several photographic illustrations of this case to the Museum. The pathological specimen removed in the second operation (Fig. 444) is copied from a photograph in the adjacent wood-cut. A photograph of the appearance of the limb two years after the secondary operation (Fig. 445) is also copied. The pension examiners express an unfavorable opinion of the results of this operation. Examiner C. Rowland, of Brooklyn, N. Y., does not hesitate to say that "the arm is worse than useless, and the sooner it is amputated at the shoulder joint the better for the applicant." Examiner W. M. Chamberlain, of New York City, reported, September 10, 1866, that "the limb hangs pendulous and useless." This pensioner was paid March 4, 1874. There are no late accounts of the condition of his limb at the Pension Bureau.

Extirpations of the humerus* after caries following shot injury are very uncommon.†

APPENDIX B.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., April 12, 1886.

SIR: I have the honor to acknowledge the receipt of the accompanying inquiry of the 8th instant, which transmits to this office a copy of Senate bill 2056, and which asks for—

First. An estimate of the number of pensioners on the rolls embraced in the provisions of the above bill and those likely to be hereafter entitled.

Second. An estimate of the amount now required for the payment of pensions and the classes embraced by this bill, and

Third. An estimate of the additional amount which will be required for the payment of the increase provided for by this bill.

The classes embraced in said bill are first those who have lost one hand or one foot or been totally or permanently disabled in the same.

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*An honored teacher of surgery, Professor Gross, states (A System of Surgery, 5th ed., 1872, vol. 11, p. 1088) that "Professor Langenbeck has, on several occasions, resected the entire humerus on account of gunshot injury." I have been unable to verify the cases referred to by Professor Gross, and Prof. B. von Langenbeck (in his Chirurgische Beobachtungen aus dem Kriege, Berlin, 1874, S. 99), although he gives a summary of his operations, does not mention these. But he cites (*loc. cit*, p. 140) a very interesting case from the Franco-Prussian war, 1870–1871, in which, at different times, the head, the shaft of the humerus, and the elbow joint were removed. The case does not come strictly under this head, since the first operation was not primary, but it is too interesting to be unnoticed in this connection. It will be adverted to hereafter.

†It is possible that Dr. Gross has reference to the following case, tabulated by Dr. C. Hueter (Die Resectionen U. S. W., in Langenbeck's Archiv, 1867, B. VIII, S. 99, No. 37), which was treated at the Royal Clinic, at Berlin, in 1865: "A boy, aged six; dry caries of the head of the humerus, with anchylosis of the joint; resection of the head of the humerus; periotitis of humerus and ulna; successive extraction of the diaphysis of the humerus, and of small sequestra of the epiphyses of the elbow and of the diaphysis of the ulna. Recovery." The name of the operator is not recorded.

It is estimated that of those who have lost one hand and one foot, there are upon the pension-rolls 1,689 pensioners and they now receive $24 per month each am unable to furnish an intelligent estimate of the number of those persons whc pensioned for "total or permanent disability in the hand or foot."

On the 30th of June, 1885, there were 15,024 on the pension-roll who were in rec of $24 per month. This number embraced all those who had lost a hand or those who were totally or permanently disabled in one hand or foot and those were pensioned for diseases, wounds, and injuries of all kinds which disabled t for manual labor in a degree equivalent to the loss of a hand or foot.

Deducting the 1,689 persons pensioned for the loss of a hand or foot, there rer 13,331 pensioners of all the other classes named.

What proportion of said 13,331 are pensioned for "total and permanent disab in one hand or foot" I am unable to say.

The second class embraced in this bill are those who have lost an arm at or al the elbow, or a leg above the knee. or have been totally or permanently disable the same.

It is estimated that of those who have lost limbs at or above the elbow or l there are upon the rolls 6,268 persons.

On the 30th of June, 1885, there were upon the rolls 7,927 persons in receipt pension at $30 per month. This rate is provided for the loss of a limb at or above elbow or knee, and also for such a degree of disability as incapacitates a pensi for any manual labor.

Deducting 6,268 persons who have lost limbs as indicated, there remain 1,659 sons who are pensioned for total incapacity for the performance of any manual la

There is no existing law which authorizes the payment of a pension specificall total and permanent disability in an arm or a leg, so that I am without informa on this point.

The third class affected by his bill are those whose limbs have been amputate the shoulder joint or the hip joint.

There are by actual count 470 of this class now upon the rolls who are recei $37.50 per month.

I transmit herewith a table, which is believed to be approximately correct, w gives the information called for in your letter, so far as your inquiry relates to pensioners now on the rolls for the loss of limbs, arranged according to the poi amputation.

It will be seen that there are 8,427 pensioners of all classes; that the present nual value of their pension is $2,954,212, and that the net additional annual val $615,204, which the passage of this bill will entail.

I regret that I am unable to furnish any information touching the other classe cluded in the bill who are now on the rolls, or of those likely to be hereafter pl thereon.

Very respectfully,

JOHN C. BLACK,
Commission

Hon. JOHN I. MITCHELL,
Chairman Senate Committee on Pensions.

Table showing number of pensioners April 1, 1886, *for loss of limbs, present annual val pensions paid them, and net additional cost proposed by Senate bill No.* 2056, *first se Forty-ninth Congress.*

Disabilities.	Number of pensioners.	Present annual value.	Propo additi valu
Loss of arm above elbow	3,201	$1,152,360	$23
Loss of arm below elbow	743	213,984	5
Loss of leg above knee	3,067	1,104,120	22
Loss of leg below knee	946	272,248	6
Loss of limb at shoulder or hip joint	470	211,500	4
Total	8,427	2,954,212	61

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 501.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. HARRISON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 1038.]

The Committee on Military Affairs, to whom was referred the bill (S. 1038) for the relief of Robert Carrick, having considered the same, respectfully report:

That in response to an inquiry for information as to the record of this officer the following communications were received from the Secretary of War and the Adjutant-General of the Army:

WAR DEPARTMENT,
Washington City, March 15, 1886.

SIR: In reply to your request of the 1st instant for information upon Senate bill 1038, Forty-ninth Congress, first session, providing for the reinstatement of Robert Carrick as first lieutenant Eighth United States Cavalry, I have the honor to transmit herewith a communication of the 11th instant from the Adjutant-General, inclosing a statement of the military service of this officer, and a copy of General Order No. 58, Headquarters Department of California, September 30, 1869, which papers, it is believed, contain the information desired.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. BENJ. HARRISON,
Of the Committee on Military Affairs, United States Senate.

ADJUTANT-GENERAL'S OFFICE,
March 11, 1886.

SIR: I have the honor to return herewith a letter dated the 1st instant, from Hon. Benjamin Harrison, United States Senate, inclosing a bill (S. 1038, Forty-ninth Congress, first session) to restore Robert Carrick, late first lieutenant Eighth Cavalry to the Army and to place him on the retired list as of the date of his muster-out, and to transmit his military history, from which it will be seen that he was mustered out under section 11 of the act of Congress approved July 15, 1870, upon an unfavorable report from the board convened under the section referred to, after an investigation of the allegations against him of unfitness for the service.

Of the officers mustered out of service under the act of July 15, 1870, the least meritorious were those who were recommended for muster-out by the board convened under section 11, and it would be a manifest wrong to single out an officer of that class for restoration.

There is nothing in the military record of Mr. Carrick to warrant the War Department in recommending his restoration to the Army for any purpose, and, as he was never examined by a retiring board, it is not known that he would be entitled to a place on the retired list even if he had remained in service.

Very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The Hon. SECRETARY OF WAR.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 11, 1886.

Statement of military service of Robert Carrick, late of the United States Army, compiled from the records of this office.

He enlisted March 19, 1851, and served in Company I, Mounted Rifles, until discharged, on expiration of service, March 19, 1856.

He re-enlisted in Company H, Second Dragoons, April 18, 1856, and was discharged as first sergeant of that company April 18, 1861, by reason of expiration of service.

He was enrolled August 27, 1861, and mustered into the volunteer service as major Third Missouri Cavalry, November 26, 1861, and as lieutenant-colonel of same regiment February 2, 1863.

He served with his regiment to May 21, 1863, when he was ordered to Saint Louis, Mo., in arrest. He rejoined the regiment some time in June, 1863, and on June 24, 1863, tendered his resignation, which was accepted June 26, 1863.

He was slightly wounded in a skirmish with Marmaduke's forces in Missouri May 1, 1863.

He was appointed second lieutenant Eighth Cavalry, March 7, 1867, and promoted first lieutenant October 9, 1867.

He served at Carlisle Barracks, Pennsylvania, from May 31 to June 20, 1867, upon which date he left with recruits for California and Arizona, and was employed in conducting recruits from Angel Island, California, to posts in California, Nevada, and Arizona from August 3 to November 4, 1867, and was with his regiment in Arizona, Nevada, California, and New Mexico (in arrest from December 24, 1869, to April 8, 1870) to December 7, 1870.

He received the thanks of his department commander for zeal and bravery in conducting a scout in Arizona in August, 1869. (See General Orders No. 58, September 30, 1869, from headquarters Department of California, copy herewith.)

Under date of September 13, 1870, the commanding officer, Eighth Cavalry, reported that Lieutenant Carrick was disqualified for the proper and efficient discharge of his duties by reason of intemperate habits an unreasonably overbearing disposition toward enlisted men, and inability to control a violent and irascible temper, or to comply with paragraph 3 of the regulations of 1863, which forbade superiors of every grade to injure those under them by tyrannical or capricious conduct or by abusive language. He was accordingly ordered before the board convened in this city, under section 11, of the act approved July 15, 1870, to examine officers "unfit for the proper discharge of their duties from any cause *except injuries incurred or disease contracted in the line of their duty*," of which Maj. Gen. W. S. Hancock was president.

He appeared, and his case was examined into by the board, in December, 1870.

The finding of the board was as follows: "That the habitual treatment of, and bearing toward, enlisted men under his command, by First Lieut. Robert Carrick, Eighth Cavalry, are injurious to the discipline, and render him unfit for the service; and the board does therefore recommend that he be mustered out of the service."

Under this finding and recommendation Lieutenant Carrick was mustered out of service December 28, 1870, in conformity with the law under which the board was convened.

R. C. DRUM,
Adjutant-General.

In view of the facts stated in the foregoing communications, your committee recommend that the bill do not pass, and that it be indefinitely postponed.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 502.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. HARRISON, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill S. 130.]

The Committee on Indian Affairs, to whom was referred Senate bill 130, *have had the same under consideration, and respectfully submit the following report:*

This claim has been before Congress for some years. In the Forty-fifth Congress Mr. Morgan, from the Committee on Claims of the Senate, submitted a favorable report, which is as follows:

This claim was before the Forty-fourth Congress, and was investigated by the Committee on Claims of the House of Representatives. Your committee, concurring in the report there made, adopt the same, as follows:

[House Report No. 9, Forty-fourth Congress, second session.]

Mr. CASON, from the Committee on Claims, submitted the following report, to accompany bill H. R. 1906.

The Committee on Claims, having had under consideration the bill (H. R. 3315) *for the relief of John Fletcher, respectfully submit the following report thereon:*

Claimant seeks to recover the sum of $3,450 for depredations alleged to have been committed by the Cheyenne and Arapahoe Indians, in the month of November, 1870. The chief question that arises is as to the liability of the Government to indemnify the claimant in view of the facts that exist and are established in the case.

Your committee find that on the 4th day of May, 1870, claimant entered into a contract in writing with "Bvt. Brig. Gen. M. R. Morgan, commissary of subsistence, United States Army, chief commissary of the Department of the Missouri," by the terms of which he was to furnish, between the 1st day of July, 1870, and the 30th day of June, 1871, at Forts Harker, Hays, Wallace, Larned, and Dodge, in the State of Kansas, and Camp Supply, in the Indian Territory, beef and beef-cattle on the hoof, and that he executed bond with approved security for the faithful performance of his said contract. Your committee further find, from the evidence adduced, that on or about the 25th of November, 1870, while claimant, in pursuance of the terms of his said contract, was *en route* from Fort Dodge, Kansas, to Camp Supply, in the Indian Territory, with a drove of 125 beef-cattle, for the use of the Government troops stationed at the latter point, and when within about 25 miles thereof, a band of Cheyenne and Arapahoe Indians stampeded claimant's said herd of cattle, and succeeded in driving away 69 head of them, none of which claimant ever recovered; that it does not appear that claimant was guilty of negligence whereby said loss was occasioned, nor does it appear that he ever recovered any part of said 69 head of cattle, or that he has ever recovered any payment or other indemnity for his said loss.

Your committee further find from evidence adduced that said cattle had cost plaintiff a greater sum than he seeks to recover by the bill under consideration; that he paid $50 per head for them in Shawnee County, in the State of Kansas, which is all he seeks to recover; and that, in the opinion of claimant and one of his witnesses, they were worth $75 per head at the time and place at which they were lost; which

your committee think is not improbable, in view of the fact that, by the terms of the contract, they were to be American cattle, and of an average weight of 1,000 pounds; and the stipulated price per pound, net, was 12½ cents.

In the opinion of your committee the testimony shows that they, in character, weight, and quality, conformed to the requirements of the contract; at all events, such is clearly the tendency of the testimony, and your committee find nothing that contravenes it.

Such being the facts in the case, is the Government liable to indemnify claimant for his said loss? That we may be able to arrive at a satisfactory and just conclusion in the premises, it may be well to consider the relations the Indians bear to the Government and the legislation that affects that relation. Between them and the citizens of the United States legislation has interposed a "high wall and a deep ditch," and has thereby left the latter without remedy, if the Government is not liable for the depredations of those around whom it has thrown its protecting arms, and between whom and its citizens it has interposed insuperable barriers.

The Indians have long been regarded and treated as the wards of the Government. This relation was recognized and acted upon almost three-quarters of a century ago, and at no time since has it been disclaimed. As far back as 1802 our ancestors saw the propriety and necessity of protecting the citizens of the then feeble Republic from the rapacity and violence of that race, and provided means of indemnity for spoliations committed by such of them as were in "amity with the United States." (2 Stats. at Large, page 143.)

This liability and promise to indemnify continued as a part of the written law of the land from that time until 1859, when, as we shall presently see, the promise, but not the liability, was revoked by act of Congress. The liability, in the opinion of your committee, did not depend upon, nor was it created by, the promise. It existed independent of the latter—the latter being a simple recognition of the former; and, in the opinion of your committee, the liability has not yet been ignored, but, to the contrary, has been recognized in all subsequent legislation on the subject, although the express promise of indemnity has been recalled.

The trade-and-intercourse act of 1834 expressly repeals that of 1802 (4 Stats. at Large, p. 734); but by the seventeenth section of said act (4 Stats. at Large, p. 731) provisions are made for full indemnity, and the same is guaranteed by the Government. This statute remained in force from the 30th of June, 1834, to the 28th of February, 1859, at which time it was repealed. The repealing clause is as follows:

"*And be it further enacted*, That so much of the act entitled 'An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers,' approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities, as prescribed in said act." (11 Stats. at Large, p. 401, sec. 8.)

Let it be remembered that this leaves in force all of said act except the clause that guarantees indemnity out of the Treasury. The seventeenth section of the act of June 30, 1834, contains the following, among other provisions:

"*Provided*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claims on the United States for such indemnification."

Thus we find the citizens of the United States are wholly without remedy for wrong and injuries perpetrated by the Indians, unless, by reason of the peculiar relationship they sustain to the Government, and the exclusive guardianship over them assumed by the latter, it is responsible for the willful and unprovoked trespasses.

The act of July 15, 1870 (16 Stats. at Large, sec. 4, p. 360), forbids the use of any part of the annuities then due or thereafter to become due the Indians designated in the act, in payment of claims growing out of their depredations. It should be observed that it does not ignore the liability of the Government in such cases, but rather recognizes it, by providing that claims of that character shall not be paid out of annuities, and that they may be paid by a special appropriation made for that purpose by an act of Congress.

The section last referred to reads as follows:

"That no part of the moneys hereby appropriated by this act, or which may hereafter be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses of the Indian Department, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians *named therein*, shall be applied to the payment of any claim for depredations that may have been or that may be committed by said tribe or tribes, or any member or members thereof; and no claims for Indian depredations shall hereafter be paid *until Con-*

gress shall make special appropriations therefor; and all acts or parts of acts inconsistent herewith are hereby repealed."

By the seventh section of an act approved May 29, 1872 (17 Stats. at Large, page 190), the last clause of the foregoing section is re enacted, and it is made the duty of the Secretary of the Interior to prepare and publish such rules and regulations as he may deem necessary, prescribing the manner of presenting claims for compensation for depredations committed by Indians, and the degree and character of the evidence necessary to support the same, and to report to Congress, at each session thereof, the nature and character, &c., of such claims, whether allowed by him or not, and the evidence on which the action was based.

Provisions are thus made for ascertaining the extent of injuries that may be inflicted on citizens of the United States; the result of these injuries we call *claims*, and we provide that they may be paid out of our general Treasury, and that they shall not be paid out of the annuities due or to become due the Indians. If we do not thereby recognize a right on the part of those who suffer from the depredations of these people to recover the actual damages they may sustain, what is the meaning and effect of all this legislation? Why do we forbid the injured to redress their own grievances, and why lock up the annuities of those who despoil our citizens, and hold out a pretended promise of payment?

Congress may make appropriations to pay these losses. This is plain. But it is insisted by some that there is no legal liability to pay them. If this be true, when did the liability cease? Why have we continued to pay some of these claims, and why make provisions for prosecuting them in the manner in which we have done, and why do we provide for paying them out of the Treasury? If they are not valid claims, by what authority can we appropriate money out of the Treasury to pay them? The right of recovery depends, in each case, on the particular facts that bear upon it. In this respect it does not differ from the right of recovery in any civil action, such as assumpsit, covenant, or trespass.

Your committee, therefore, recommend that the bill under consideration do pass.

When this contract was made, the act of Congress of 1859 was in force, and the law justified the confidence that the annuities to the Indians truly would be held to indemnify persons who should suffer losses by their depredations. When the depredation was committed that law had been repealed, and no remedy against the Indians remained. A citizen attempting to perform his contract with the Government, who is drawn into an exposure to Indian depredations and suffers loss by such means, has no power to claim or enforce reparation from the Indians. He must look for protection from the Government that stands between him and the Indians, and to preserve its own policy in dealing with them, prevents the citizen from making any reclamations upon them.

It is essentially just that the Government should compensate a citizen for losses sustained under such circumstances, for the reason that while the Indians are not held accountable to civil law for any of their crimes against citizens of the United States, the citizens have not the right to visit upon them the penalties of war to prevent their robberies, or to compel restitution of their property.

Your committee recommend that the bill pass.

In the Forty-seventh Congress a similar bill was favorably reported from the Committee on Indian Affairs of the House of Representatives, and again in the Forty-eighth Congress the bill was favorably reported by the same committee of the House.

At the time the contract was made by Mr. Fletcher with the Government to supply cattle, for which indemnity is asked, the act of 1859 which gave indemnity out of Indian annuities for such losses was in force and the committee think made a part of his contract. It diminished the risk he took in the delivery of the cattle, and stipulated for payment out of the Indian annuities if he suffered loss.

Your committee do not think that the subsequent repeal of this statute should deprive him of its benefits, and therefore recommend the passage of the bill.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 503.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. SPOONER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 567.]

The Committee on Claims, to whom was referred the bill (S. 567) for the relief of the estate of Lucien Goyaux, have had the same under consideration, and respectfully report:

This committee reported favorably a bill, of which bill S. 567 is a copy, at the first session of the Forty-seventh Congress, and also at the first session of the Forty-eighth Congress, at which last-named session the bill passed the Senate.

The committee adopt the report submitted through Senator Cameron at the Forty-eighth session, which was as follows:

In August, 1862, Lucien Goyaux resided at Baton Rouge, La., and was engaged in the business of manufacturing and selling saddles, harness, and other goods usually kept in establishments of that kind. Col. Halbert E. Paine, colonel of the Fourth Wisconsin Infantry, was at that time in command at Baton Rouge. Soon after the battle of August 5, 1862, at Baton Rouge, Col. Halbert E. Paine, by Special Order No. 5, 1862, directed Maj. Frederick Frye, of the Ninth Connecticut Infantry, to collect horses and equipments to mount patrols detailed from the different regiments, and to take possession of such property as was necessary for that purpose and for the supplying of ambulances and transportation teams.

Under and in pursuance of said order, Major Frye, on the 12th of August, 1862, took possession of Mr. Goyaux's store and his stock of saddles, harness, &c., contained therein.

On the 6th of October, 1862, a board of survey, constituted under Special Order No. 45, of the Department of the Government of the Gulf, consisting of Col. H. E. Paine, Fourth Wisconsin Volunteers, Lieut. Col. O. W. Lull, Eighth New Hampshire Volunteers, and Capt. William Roy, Twenty-first Indiana Volunteers, was appointed by order of General W. T. Sherman, and directed to assemble at Camp Parapet on Thursday, October 6, 1862, at 10 o'clock a. m., to take proof, appraise, and report upon the stock of harness, &c., belonging to L. Goyaux, alleged to have been taken for the use of the forces of the United States by order of the commanding officer. This board assembled pursuant to the order, and on the 4th of January, 1863, reported to the commanding general that they had attended to the duty assigned them, and had taken all the testimony offered by the claimant, Goyaux, as well as the testimony produced upon the part of the United States, and that it appeared from such testimony that Goyaux was the owner of the stock of goods, and that he was loyal to the United States, and they recommended the payment of $1,845, the value of the goods taken and used by the Army. This allowance was approved by Brig. Gen. W. T. Sherman, commanding.

Subsequently, on the 6th of March, 1863, the matter was again investigated by a court of inquiry under Special Order No. 6. This court recommended that the claimant should be paid the sum of $1,545.

The following are the items allowed the claimant by the two boards:

11	sets of harness	$350 00
30	saddles	400 00
72	bridles, girths, and surcingles	150 00
150	whips	100 00
	Saddlery hardware	250 00
13	saddlebags	50 00
51	collars	75 00
1	wagon	60 00
1	dray	60 00
3	bales of moss, taken and used for hospital purposes	50 00
	Total	1,545 00

In 1863 Goyaux presented his claim to the War Department for payment. It was investigated, and on the 23d of September, 1863, Chauncey Smith, the Solicitor of the War Department, made a decision thereon. He states as follows:

Upon the claim of Lucien Goyaux, I have the honor to report that in my opinion the loyalty of the claimant is fully established, and that he is justly entitled to a part, if not the whole, of the claim, but there is no appropriation out of which he can be paid by the Department.

Goyaux died November 20, 1871. He was a native of France, and it appears that his widow and children did not know that he had ever become a citizen of the United States. The widow and children of Goyaux caused the claim to be presented to the French and American Claims Commission, but upon investigation it was discovered that Goyaux had become a naturalized citizen of the United States in 1857, and, consequently, he being an American citizen, the French and American Claims Commission could not adjudicate the claim. The claim was cognizable before the Southern Claims Commission, but Goyaux died a few months after this commission was established, and it is satisfactorily shown that his legal representatives had no knowledge whatever that the claim could be considered by the Southern Claims Commission until long after that commission expired by limitation of law.

The original claimant, Goyaux, was diligent in asserting his claim.

We are satisfied that the property hereinbefore described was taken pursuant to the order of Colonel Paine, the commanding officer; that it was adapted to the use of the Army, and that it was actually used by the Army. We are also satisfied that it was of the value of $1,545.

We therefore report back said bill, and recommend that it do pass.

There is no sufficient evidence upon which the committee is warranted in assuming that the persons named in the bill sustain the relation to the deceased claimant therein indicated, and the committee think, therefore, that the appropriation should be made to the legal representatives of Lucien Goyaux, deceased, rather than to specific persons. The committee therefore recommend that the bill be amended by striking out the words "Julia Enclin, as the widow, and with François Enclin and Leon Helvin, as the tutrix of Emma Goyaux, minor child," where they occur in the 4th, 5th, and 6th lines of the printed bill, and inserting in lieu thereof the words "the legal representative," and by inserting after the word "Goyaux," where the same occurs in the 6th line of said bill, the word "deceased," and that when so amended the bill do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 504.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1732.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1732) for the relief of the heirs of Lieut. John F. Stewart, having had the same under consideration, beg leave to submit the following report:

This bill, which has passed the House of Representatives, and has been referred to your committee, is as follows:

Whereas Lieut. John F. Stewart, late of Company A, Fourth Regiment United States Infantry, in active line of service was regularly promoted and appointed, and did serve faithfully as a second lieutenant of said company from July 29, 1865, until June 19, 1866; and

Whereas the company having been so far from headquarters during its entire period of service in the Northwestern Territories that he failed to receive his commission as second lieutenant, to which he was justly entitled, and failed also to receive the pay due him for his services as second lieutenant; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $992 to the heirs of Lieut. John F. Stewart, for his services in the United States Army, prior to his death, in the late war.

Your committee, after mature deliberation, are compelled to recommend adverse action on this bill, for the reasons that the records at the War Department show that no vacancy existed in the grade of second lieutenant of Company A, Fourth Regiment United States Infantry Volunteers, during the entire period of service of that company; that one William H. Vose held that position from November 3, 1864, to the date of muster-out and discharge of that company, June 9, 1866.

The committee have repeatedly at this session unanimously reported against cases of a similar character, on the ground that it would establish an unwise precedent, and the War Department has uniformly recommended against favorable action in these cases.

Your committee, with the present evidence before it, cannot perceive that the case of John F. Stewart is any more meritorious than those which have been referred to the committee at this and previous sessions, and do not feel warranted in making this an exception.

A complete history of this case from the War Department is appended to and made a part of this report.

The committee, in view of the foregoing facts, beg leave to report the bill back adversely, and recommend its indefinite postponement.

WAR DEPARTMENT,
Washington City, April 9, 1886.

SIR: In returning herewith House bill 1732, "An act for the relief of the heirs Lieut. John F. Stewart" (passed the House of Representatives March 5, 1886), referr in your letter of the 27th ultimo for information, I have the honor to invite attenti to the inclosed copy of a report made January 29, 1886, by the Adjutant-Genera Office on the same subject, which fully affords, it is believed, the information desire

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. J. D. CAMERON,
Of Committee on Military Affairs, United States Senate.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 29, 1886.

The SECRETARY OF WAR:

SIR: I have the honor to return herewith the communication of Hon. J. W. Re (per H.), of Committee on War Claims, House of Representatives, inclosing H. bill No. 7826, Forty-eighth Congress, second session, for the relief of the heirs John F. Stewart, and requesting, on behalf of said committee, to be furnished w the military history of said Stewart as of the Fourth United States Infantry Vol teers, and to report as follows:

The records of this office show that John F. Stewart was mustered into service a private, Company A, Fourth United States Infantry Volunteers, October 12, 18 promoted first sergeant November 1, 1864.

He is reported on muster-rolls of his company as a first sergeant, present for dut June 30, 1865; for July and August, 1865, first sergeant, present, with remark, "P visionally appointed second lieutenant by virtue of Special Order No. 43, Headqu ters Northwest Indian Expedition, July 22, 1865." On all subsequent rolls he is bor as a sergeant, acting second lieutenant, to date of his discharge from the service, Ju 19, 1866.

The records further show that Company A, Fourth United States Infantry Volu teers, had two commissioned officers, Capt. Samuel G. Sewell and Second Lieut. Wi iam H. Vose.

Captain Sewell is reported on the rolls of his company as present for duty from da of his muster into service, November 1, 1864, to date of his discharge, June 19, 186

Second Lieutenant Vose is reported present with the company from November 1864, date of his muster into service, to June 30, 1865. Rolls for July and Augus September and October, 1865, show him on detached service commanding Compa F. On all subsequent rolls he is reported second lieutenant on detached service co mandiug Company F, acting first lieutenant, Special Orders No. 43, Headquarte Northwest Indian Expedition, July 22, 1865. He was mustered out of service as second lieutenant with Company A, June 19, 1866.

On July 5, 1866 (sixteen days after his discharge from the service), Stewart ma application to this office for the issue of a commission as second lieutenant Four United States Volunteers, and claimed recognition as of that grade from July 22, 18 to June 19, 1866. This application received the adverse decision of the Departmei on the grounds that the regulations of the Department prohibited the muster in service or assignment to duty of any person as a commissioned officer, in white orga izations recruited in rebel States, prior to authority being issued therefor from th office; that no orders had been issued from this office authorizing his muster in service as a commissioned officer in the Fourth United States Volunteers, and th authority could not now be given for the same.

The above decision was based upon the fact that the commanding general havi authority to recruit organizations of white troops in rebel States had not compl with the requirements of circular No. 62, War Department, Adjutant-General's Offi August 3, 1864, relative to the appointment of officers to such organizations, and th no recommendations had been received at this office for the appointment of Stew in the grade claimed.

Stewart submitted in support of his claim for muster as a second lieutenan copy of Special Order No. 43, Headquarters Northwest Indian Expedition, Camp No. Fort Rice, Dak., dated July 22, 1865, assigning him to duty as a commissioned offi (subject to the approval of the Secretary of War) by command of Brevet Major-G eral Sully.

The attention of General Sully was called to the above order, by letter from t office dated July 9, 1866, and an explanation was requested in reference to the irr ular assignment of Stewart.

The following letter was received in response thereto:

PHILADELPHIA, Pa., *July* 12, 1866.

The ADJUTANT-GENERAL,
United States Army:

GENERAL: The communication in regard to the appointment of First Sergt. J. F. Stewart as a lieutenant in the Fourth United States Volunteers has just been received, and calls for some explanation on my part.

When the Fourth United States Volunteers joined me they were very short of officers, so much so that it affected the discipline of the regiment. I reported this to my immediate commander, Maj. Gen. J. Pope, and by his direction made certain acting appointments, subject to the approval of the Secretary of War.

The approval of the Secretary was never received by me, but as the services of a lieutenant were necessary I thought it best for the service to allow First Sergt. J. F. Stewart to continue acting second lieutenant.

Stewart knew very well he was not entitled to any pay without his appointment should be approved, nor do I think he would have applied had not a private of the same regiment, a clerk at department headquarters, been appointed afterwards as first lieutenant in the regiment.

I would beg leave to add that at the time I was relieved from duty in the Department of Missouri there had been several communications sent in with regard to Sergeant Stewart's appointment, and I have no definite answer if Acting Second Lieutenant Stewart would be appointed or not, and pending the result I was relieved from duty.

If I had with me the books of the District of Upper Missouri, I could show more conclusively that I was in no way to be censured for the action I took in the matter.

With much respect, your obedient servant,

ALF. SULLY,
Brevet Brigadier-General.

From the foregoing it will be seen that no vacancy existed in Company A, Fourth United States Volunteers, for a second lieutenant during its entire period of service, Second Lieutenant Vose having held that office from November 3, 1864, to date of muster out and discharge of the company, June 19, 1866, and that the assignment to duty of Stewart as a commissioned officer July 22, 1865, was irregular and in violation of the regulations of the Department.

There is nothing of record in the Department which would sustain the action proposed by this bill.

I am, sir, very respectfully, your obedient servant,

J. C. KELTON,
Acting Adjutant-General.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 505.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 1147.]

The Committee on Military Affairs, to whom was referred the bill (S. 1147) providing for the retirement of wagon-masters, having had the same under consideration, beg leave to submit the following report:

The bill, as introduced and referred to your committee, provides:

That wagon-masters enlisted or employed under section 1137 of the Revised Statutes, who have served thirty years in the United States Army, shall, by making application to the President, be placed on the retired list hereby created, and shall thereafter receive the same pay and allowances as they were receiving at the date of retirement: *Provided*, That the thirty years' service shall be computed from the date of the first enlistment of the said wagon-master in the Army of the United States, either as a private, non-commissioned officer, or wagon-master.

The committee, after due consideration of this subject, report the bill back adversely to the Senate, and recommend its indefinite postponement, for the reasons set forth in the following letter from the Secretary of War and the Quartermaster-General:

WAR DEPARTMENT,
Washington City, April 9, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of the 6th ultimo, inclosing a copy of Senate bill 1147, Forty-ninth Congress, first session, providing for the retirement of wagon-masters, and requesting an expression of opinion by this Department on the propriety or impropriety of its passage.

In reply, I beg to advise you that the matter was referred to the Quartermaster-General, in whose department the wagon-masters are employed, and to invite your attention to the inclosed copies of two reports on the subject from him, under dates of March 10 and March 26, respectively, which give a list of wagon and forage masters now in the service, and contain his views on this subject in connection with the bill in question. From these reports it will be seen that the importance of this class of employés has diminished within recent years, especially since the establishment by law of the grade of post quartermaster sergeant.

In view of these reports, the proposed legislation does not receive the favorable consideration of this Department.

The copy of the bill inclosed in your letter is herewith returned.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. J. D. CAMERON,
Of Committee on Military Affairs, United States Senate.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 10, 1886

Respectfully returned to the honorable the Secretary of War.

There are at present nine persons holding the position of wagon and forage mas under the provisions of section 1137, Revised Statutes of the United States, w would be affected by the inclosed Senate bill, No. 1147, becoming a law.

These men are civilian employés, and their retirement would lead to the establi ment of a civil list of retired officers. They are a class of employés no longer nec sary to the service, and their longer retention or retirement cannot be recommend on any ground of public necessity.

S. B. HOLABIRD,
Quartermaster-General United States Army

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 26, 1886

SIR: I have the honor to make the following report pertaining to the wagon a forage masters employed under section 1137, Revised Statutes of the United Stat who are now in the service, giving their military history, &c., as called for by indor ment of the honorable the Secretary of War of the 16th instant, which is herewi inclosed:

Names.	Date of appointment.	Station.	Number of years in service to date.
J. G. Fulton	Jan. 9, 1866	Fort Monroe, Va	20 years and 2 month
James Davidson	Oct. 25, 1867	Fort Vancouver, Wyo	18 years and 4 month
W. B. Spurlock	Aug. 21, 1877	Fort Riley, Kans	8 years and 5 month
Dennis Byrne	Dec. 15, 1877	Fort Custer, Mont	8 years and 3 month
Thomas Mulcahy	May 2, 1879	San Antonio, Tex	6 years and 10 month
E. H. Offley	Sept. 21, 1882	Jefferson Barracks, Mo	3 years and 5 month
H. A. Jackson	April 24, 1883	Fort Leavenworth, Kans	2 years and 10 month

Names.	Service in Army prior to appointment.	Remarks.
J. G. Fulton	Five years a soldier	Was a citizen employed in Quar master's Department when appoint Has served entire time at Fort Mon
James Davidson	Twenty three years a soldier.	Entire service at Fort Vancouver.
W. B. Spurlock	Citizen	Never a soldier.
Dennis Byrne	Served in Fifth Infantry as a soldier.	There is also a train-master at this p (Fort Custer), at $75 per month.
Thomas Mulcahy	An officer during rebellion	Recently transferred to Department the Platte.
E. H. Offley	Citizen	Never a soldier. There is a post q termaster sergeant at this post.
H. A. Jackson	do	Never a soldier. Employed at the s tary prison, on duty entirely conne with prison, and having no bearing Quartermaster's Department, tho paid by Quartermaster's Departme

The persons above named (number now reduced to seven by a recent death an discharge for cause) are employed under a law the practical bearing and intent which has become obsolete. The duties of a "wagon and forage master" are n incompatible, one office requiring a fixed abode and the duties of the other neces tating a movement from place to place under the present condition of the service charge of wagon trains. To illustrate this, it should be stated that there are also e ployed and paid from transportation appropriation ten civilian wagon-masters duty, more or less temporary in its nature, according to the emergencies of the se ice, at from $50 to $83.33 per month. There are also employed ten civilian tra masters with pay from $50 to $75 per month, temporarily, as are the wagon-mast (under department and division commanders) There are also employed ninet civilian forage-masters at from $60 to $100 per month, temporarily, under departm and division commanders. These employés do not receive quarters, as do the pointed or regular wagon and forage masters under the law, nor do they receive

tions where their pay exceeds $60 per month. They are paid from transportation and from regular supplies, whereas the regularly appointed wagon and forage masters are paid from the appropriation for incidentals, a very limited one.

When this class of employés was originally legislated into service, it was the practice under the statute (Rev. Stat., sec. 1133) for the Quartermaster-General to direct the points to which they should repair, and to control their duties and services as it should seem to him to be for the best interests of his Department and the service. All this is now changed, and the person holding the position appears in the light of one thrust upon the service of a military post who is usually not wanted and whose position is not in harmony with current ruling military ideas. Again, the post quartermaster sergeants can and do usually perform the duties now that have recently fallen to the lot of the wagon and forage masters. The "wagon and forage masters" draw, however, about $67 per month, besides their quarters. It will thus appear that their office is a sort of anomaly as at present viewed, but those now in service are sufficient for all necessities, and while it is not recommended that they be discharged, it is earnestly hoped that no more will be appointed.

Very respectfully, your obedient servant,

S. B. HOLABIRD,
Quartermaster-General, U. S. Army.

The SECRETARY OF WAR,
Washington, D. C.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 506.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. MITCHELL, of Oregon, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 505.]

The Committee on Claims, to which was referred the bill (S. 505) for the relief of William J. Gamble, having had the same under consideration, beg respectfully to submit the following report:

This claim is based on the following certificate, which is on file in the Third Auditor's Office, to wit:

LA GRANGE, TENN., *August* 11, 1863.

This is to certify that the running-gear of a six-horse wagon belonging to W. J. Gamble, private of Second Arkansas Cavalry, was taken to replace the running-gear of one Government wagon broken down, unable to travel. Said Government wagon was in the possession of Capt. R. B. Owen, assistant quartermaster, Springfield, Mo., on the march from Northeast Arkansas to Springfield, Mo., under the command of Col. J. E. Phelps, Second Arkansas Cavalry.

GEORGE MORLEY,
Lieutenant, Assistant Quartermaster Second Arkansas Cavalry.

Witness to the above:
JOHN E. PHELPS,
Second Arkansas Cavalry.

The above certificate is the whole case.

The proofs show in addition that said wagon was taken from claimant as above, for the use of the United States Army and used by the United States Army about the 25th of May, 1864, in Carroll County, in the State of Arkansas. It was a new six-horse wagon in good running order and was well worth $125; and claimant had given that price for it a short time before it was taken.

The only question that can possibly arise in the case is, "why did he not present his claim to the Southern Claims Commission, or some other tribunal having jurisdiction of the case?" The answer is, that he and his attorneys, relying upon the long-established practice of the Third Auditor's Office of paying all vouchers regular in form on presentation at the Treasury Department, did not present the claim to the Southern Claims Commission as might perhaps have been done.

On October 8, 1874, the voucher was presented to the Treasury Department for payment. The Second Comptroller says, in disallowing the claim, October 6, 1875, "It should have been presented under the act of July 4, 1864." Acting on this suggestion the claimant then presented his claim under that act, but the Third Auditor in a letter of December 29, 1879, refused to allow the claim to be considered under

that act, saying, "The claim does not come within the act of July 4, 1864."

By these decisions, contradictory of each other, and agreeing only in rejecting the claim on technical grounds, the claimant is left wholly remediless, unless Congress will grant relief.

The case presents a strong instance of an appropriation of private property for public use. It was taken to replace the running-gear of a Government wagon broken down, unable to travel. The facts are certified by Lieutenant Morley, quartermaster of the regiment, and Colonel Phelps, commanding officer of the regiment. The claimant's loyalty cannot be doubted. The papers are on file in the office of the Third Auditor of the Treasury, his claim being No. 35250. Therefore, your committee report back the bill and recommend its passage.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 507.

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1886.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1477.]

The Committee on Claims, to whom was referred the bill (S. 1477) for the relief of Nathaniel McKay and the executors of Donald McKay, have considered the same, and respectfully report:

We adopt so much of the report hereto appended, which was made by Mr. Frye, from this committee, March 22, 1882, as relates to the McKay claims, and recommend the passage of the bill.

In the winter and spring of 1863 the Navy Department prepared plans and drawings for several light-draft steam iron-clad monitors, with specifications showing the dimensions, kind, and thickness of the plating, and submitted the same to various contractors for proposals for construction.

The time required in the construction was a material element in the contract, and none were made for a period longer than eight months. Some of the contracts were limited to six months. So material was the matter of time considered that in the contracts made for six months the contractors were to receive $395,000, while those whose contracts extended to eight months for completion were only to receive $386,000, or at the rate of $4,500 per month less, but there was a provision in all contracts then made that if the vessels were completed in less time than provided in the contract, the contractor was to receive an additional pay of $4,500 per month, and if the completion was delayed beyond the period named, the Government was to deduct from the contract price at the same rate—that is, $4,500 per month. McKay & Aldus were contractors for the building of the light-draft monitor Squando, to be completed in six months, the Department first satisfying itself of their facilities for doing the work in that time.

Donald McKay was contractor, and built the light-draft monitor Nausett, also the iron double-ender Ashuelot. The Washington Iron Works, contractor for the machinery of the wooden double-ender Lenapee, now represented by George M. Clapp. The Squando and Nausett were identical in the original plans, and in the changes and alterations thereon, with the Etlah and Shiloh, built in Saint Louis.

Having accepted the undertaking to build these vessels, the several parties named made their arrangements accordingly, having the yards, machinery, &c., necessary therefor, and entered into contracts for the necessary materials, based upon the contracts with the Government, and commenced the work on the several vessels named. About this time Chief Engineer of the Navy Stimers, having returned from Charleston, where he had been sent to make observations as to the conduct of Ericsson's monitors in battle, a consultation was had at the Navy Department, in which (quoting from Stimer's evidence)—

"The matter was discussed as to whether we had better build our vessels in strict accordance with the letter of the contracts which we were giving out, without any change whatever, or had better take advantage of every such fight and make improvements as we went along, although we fully appreciated that it would delay their completion and add to their cost. Assistant Secretary Fox made the remark that he

thought following this course would probably entail an extra cost of a million dollars for each battle where the monitors were engaged.

"Well, it was decided that that course should be followed. The contracts for th light-draft monitors, of which the Etlah was one, had already been drawn, specif cations, general drawings, &c., of the original plans, but we went immediately t work to make changes on them in accordance with what I have already explained a the policy to be pursued. You will understand, therefore, why it was that I shoul send constant instruction to Mr. McCord, directing him to make his vessel differe from what he had contracted to do; why I sent him drawings that differed from thos specified in the contract. You will find, too, that these might be very material, a they certainly were. The acts, therefore, which I performed, which affected M McCord and affect this case, were to direct him to make a different vessel from th one he contracted to do."

Acting upon this theory, the Department commenced forwarding to the contractor orders for changes and drawings before even the keel was laid, and those changes whic in the aggregate affected all parts of the vessel, making in the end almost entirel different vessels, were continued, and the drawings furnished therefor for nearly year and a half after the time specified in the contract for their completion had elapsed and from the 23d of June, 1864, for about the period of three months, work was sus pended altogether upon these vessels, by the orders of the Navy Department, whicl had then in contemplation some general changes in their construction which require time to perfect. All of this time, however, the contractors were under heavy ex penses for the maintenance of the yards and men, whom they dared not discharge fo fear of inabilty to supply their places, and not knowing on what day their services would be required.

In addition to all this, the prices of labor and materials required for the work, and for which the contractors had made provision during the time of the contracts, rapidly advanced, so that, as found by the Committee on War Claims of the first session of the Forty-third Congress, iron, that at the date of the contracts was worth $65 per ton, advanced during the prolonged time to $220 per ton, and labor from $2.50 per day to $4 per day.

This committee have not, however, considered it necessary to investigate the details as to amounts or percentage of such increase of prices, but are convinced that the cost of the work was greatly enhanced by reason of the delay caused by the course adopted by the Government in these changes and alterations from the original plans.

Chief Engineer Stimers, in his evidence in McCord's case, states the case as understood by him and presumably by the Department, which had no authority to adjust claims for damages, as follows:

"Before expressing an opinion on the matter as an expert, I must explain that the principles upon which the contractors of this, and the contractors of similar vessels, were to be paid were settled upon before I left the office, and I have always understood that these principles were adhered to, and they were as follows: That we should pay for the contract work by making the contract payments, or the payments provided for in the contract; that we should pay for alterations and changes a proper sum as might be agreed upon between the Government and the contractors at current rates. Now, that being the case, I consider that the Government is still indebted to the contractors of the Etlah, because, although the original contract work has been paid for as originally agreed upon, and the extra work may have been paid for *per se*, the fact of calling upon the contractor to make the changes on his vessel, and his compliance with those demands, delayed him in the execution of the original contract work. This delay compelled him to pay the increased rates for labor and material which obtained at the time when the work was actually performed; and although the contractor took the risk of a rise in prices when he signed his contract, it was only for a risk during the period of his contract, or the period he would have required to perform the work if the Government had not delayed him by their direct interference; now, whatever increase there was in the cost of the original work contemplated by the contract, due to the delay caused by the Government, that increase is now due, as there has been no pretense on the part of the officers of the Government to have paid it. If you will determine the increased cost of material and labor of the original contract work during the extent of time when the contract delayed by an interference of the Government to execute it, you will have, in my judgment, the indebtedness of the Government. There may be very large claims on account of extra work of which I know nothing."

There seems to be no question that but for the interference of the Government these vessels would have been completed within the time specified in the contract; that these contractors had the means and the ability to do so, and that the heavy losses sustained by reason of the interference of the Government could not have been prevented by any reasonable prudence or foresight on their part, as the labor could not be anticipated, nor could they possibly know, from the frequent changes being made, the kind, quantity, or, in the case of the iron plating, the thickness or size of the

&c., and to ascertain the additional cost incurred by them by reason of any
and alterations there, with the proviso:
no allowance for any advance in the price of labor or material shall be con-
unless such advance occurred during the prolonged time for completing the
ade necessary by the delay resulting from the action of the Government afore-
d then only when such advance could not have been avoided by the exercise
ary prudence and diligence on the part of the contractor." (14 Stat., 424.)
ecretary of the Navy delegated the matter thus submitted to a board, of which
rchand was chairman, and called the Marchand board. This board, perhaps
omic reasons, decided to confine their examination to the question of extra
olding that the question of increased cost by reason of the delays caused by
nent was one sounding in damages, and therefore beyond the jurisdiction of
artment, and not included within the act.
s were filed by these contractors, but reported as "not considered within the
s of the board" (report contained in Vol. 10, Congressional Record, p. 1504),
the claimants permitted to appear before the board on behalf of their claims.
Forty-first Congress, second session, a joint resolution was passed by Con-
ferring these cases to the Court of Claims, but failed to receive the sanction
resident on the ground that the bill as passed omitted the proviso contained
t of March 2, 1867, and above quoted, since which time various reports have
de, and favorable action had by one branch of Congress or the other, but no
bill for the relief of these and other contractors has become a law.
ority of the contractors for the building of this class of vessels have, from time
received relief through Congress, but these claimants have thus far received
. Among those who have been relieved are George C. Bestor, contractor of
oh, by act of Congress (17 Stat., 733, 1873), appropriating $125,000; Miles
ood (17 Stat., 764); S. S. Marchen, jr. (18 Stat., 635); Donohue, Ryan & Co.
, 353); C. W. Whitney (17 Stat., 671). Under act of 25th June, 1864 (13 Stat.,
icsson was allowed $1,070,438.93 for such increased cost.
contractors also claim that they have not received full pay for the extras
d by them in the construction of the said vessels, aside from the main ques-
ncreased cost by reason of the delays. The facts concerning this branch of
are as follows:
equent changes and alterations ordered by the Department on these vessels,
ch, under the contracts, the Government had a right to demand by paying
a expense caused thereby, occasioned a large amount of extra work, some of
as specifically agreed upon, and part of which was done under the orders of
artment without any agreed price. This extra work was recognized as being
he jurisdiction of the Department to pay, and the Department did pay a large
of said extras, but did not pay all that the parties were entitled to receive.
ounts were made up in the Department without consultation with the claim-

templated in the previous acts of Congress providing for an adjustment thereof, upon the principle that when the Government has by its acts caused its citizens performing labor for it to incur additional expense in its performance, such additional cost should be borne by the Government.

Your committee are therefore of the opinion that the petitioners should be heard and their rights adjusted upon the merits of the claim, and that they should not be concluded by the voucher in question, unless it appears in equity and good conscience they ought to be. Your committee therefore report back said bill with an amendment in the nature of a substitute, which, in their opinion ought to pass.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 508.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3902.]

The Committee on Pensions, to whom was referred the bill (H. R. 3902) granting a pension to Susannah Carmichael, have examined the same, and report:

Your committee adopt the full statement of facts set forth in the report of the Committee on Invalid Pensions of the House of Representatives, and recommend the passage of the bill.

Claimant's husband, Capt. John W. Carmichael, enlisted as captain of Company C, Ninety-seventh Indiana Volunteers, August 16, 1862; was discharged from service May 1, 1863; applied for and was granted a pension for chronic diarrhea, contracted at Holly Springs, Miss.; while in line of duty; subsequently granted arrears for same disability.

The soldier died in 1877, the widow's claim for pension being rejected by the Pension Office upon the evidence of Drs. McDowell and Woodward to a special examiner, these physicians stating that soldier did not die of chronic diarrhea, as sworn to by them in former affidavits, but of malarial poisoning contracted while in the Army.

However, these physicians subsequently changed the statements in their second affidavits, making the statements contained in their first affidavits that Captain Carmichael died of chronic diarrhea, having incurred said disability while in line of duty.

The Pension Department, however, holding it could not be granted by the subsequent statements by Drs. McDowell and Woodward, rejected the claim.

A careful examination of the voluminous evidence clearly establishes the following facts: Fifteen of his comrades, members of his company, and former neighbors, testified that the soldier was sound and free from disease upon entering the service, and that he contracted chronic diarrhea while in line of duty at Holly Springs, Miss.

Drs. Grary, Woodward, McDowell, Meredith, Norval, and Minick state in their affidavits that Captain Carmichael died from chronic diarrhea, contracted in the Army.

Surgeon Murphy certifies:

"I carefully examined Captain Carmichael and find him unable for military duty, by reason of chronic diarrhea and disease of left knee, and I recommend his discharge from service to save his life." (Report from Adjutant-General's Office, January 23, 1863.)

Your committee, holding the evidence in claimant's favor conclusive, report the bill favorably, with the recommendation that it do pass.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 509.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3364.]

The Committee on Pensions, to whom was referred the bill (H. R. 3364) granting a pension to Asahel Middleton, have examined the same, and report:

Your committee, on examination, adopt the full statement of the facts set forth in the report of the Committee on Invalid Pensions of the House of Representatives (House Report 258), and recommend the passage of the bill.

Asahel Middleton was drafted into the service September 26, 1864, and discharged therefrom April 6, 1865. On the 22d day of April, 1880, he filed his application for pension, alleging that from sleeping on cold nights in windy barracks at Indianapolis, Ind., with insufficient covering, he contracted a severe cold, which settled on his lungs, also affecting his liver and kidneys; that he continually grew worse, and that by February 1, 1865, his right lung was closed and right half of chest badly swollen from center of breast round to back, in which condition he remained until April, 1865, when an abscess in right lung broke, discharging large quantities of pus; that he is unable to learn the whereabouts of his commissioned officers, and therefore presents testimony of comrades.

This application was rejected by the Pension Department February 27, 1883, on the ground that disability existed prior to entering the service.

This decision appears to have been based solely upon the statement made by the acting assistant surgeon who signed his certificate of disability for discharge, that he had "organic disease of kidneys, with emaciation; said disqualification existed at the time of muster in."

This testimony is rebutted by the affidavits of four neighbors—two of them physicians—who all testify from personal knowledge derived from intimate acquaintance that said soldier was sound and in good health at the time he was drafted.

Two comrades, William Huggard and George D. Perkins, testify that "while in camp, under command of officers thereof, he contracted a severe cold from exposure, which settled on his lungs, and from which lung trouble he has never recovered."

Dr. Ulirs Briggs testifies that in February, 1865, he began treating claimant, then on furlough. He says:

"He had an abscess formed on liver, and another on right lung; the lung became ulcerated and broke, large quantities of pus or matter being thrown of through bronchial tubes; that ever since discharge until to-day, I have known him. The right side of breast is shrunken, and the shoulder is nearly 2 inches lower than the other. Very little, if any, air passes into the right lung. That his present condition is the direct result of the disease for which he treated him in 1865."

Drs. Burr, Howland, Hoblett, Porter, and Eberle testify to treatment at various times, covering the entire period from discharge to 1883, and all agree as to diagnosis of case.

Two official examinations disclose the same state of facts; and the last, by a full board, says:

"On careful examination of liver, with claimant in a recumbent position, by per-

cussion and palpation, we find only a considerable degree of atrophy of that c
Disability one-eighth. On auscultation and percussion we find an almost entir
solidation of right lung, with extreme flatness over that side of the chest. Re
tion is confined almost wholly to left lung. We believe the disease of left lun
due to an abscess, but whether originally of the liver or lung we are unable t
Chemical examination of urine shows no abnormal element."

It seems to be very clearly proven that claimant entered the service a soun
healthy man; that the disability for which he claims pension, viz, disease of l
was incurred in the service, and has been continuous since. That the "dise
kidneys," which assistant surgeon certifies in his discharge existed prior to m
and upon which statement claim was rejected by the Pension Office, had in fact
istence before soldier entered service nor since.

In view of these facts and the further one that this man was drafted, exan
and not only permitted but compelled to enter the service, your committee b
the claimant is entitled to the relief asked for, and therefore recommend that th
do pass.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 510.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3539.]

The Committee on Pensions, to whom was referred the bill (H. R. 3539) granting a pension to Mrs. Hannah M. Chapman, have examined the same, and report:

Your committee, on examination, adopt the statement of facts set forth in the report of the Committee on Invalid Pensions of the House of Representatives and recommend the passage of the bill.

We find that claimant is the widow of Charles Chapman, who enlisted in Company K, Sixth Minnesota Volunteers, August 14, 1862, and was discharged August 19, 1865. He died February 22, 1881.

The widow's application for pension was rejected on the ground that "the lung disease and diarrhea in service not established." She is unable to show any hospital record, because, as the Surgeon-General certifies, "No hospital records of the Sixth Minnesota Volunteers were ever on file in this office." But she does prove by his officers and comrades that the disease was contracted in the service; that he was treated in the hospital; that it continued until his death, and was the cause of it. Henry S. Barrett, first lieutenant of Company K, Sixth Minnesota Volunteers, whose reputation is vouched for as the "*very best*," testifies—

"That he remembers well that during soldier's term of service he became lame and injured in the shoulder, so that he could not carry his knapsack at times, and it was transported in the company wagon; that he was so injured he could not get his arm in his coat sleeve, and it had to be cut open; that soldier was also sick and afflicted with rheumatism at Helena, Ark., in the summer of 1864. During the latter part of June and most of July and first of August, 1865, the weather was very hot; that the company was at Montgomery, Ala.; that several negroes were to be hanged, and soldier was one of a guard at the hanging. The day was very hot, and when the guard returned affiant was informed that soldier had been sunstruck; that he was sick and feeble for some time after his return to camp."

Capt. W. W. Braden, of Company K, whose standing is also high, says, in addition to what Lieutenant Barrett testifies to—

"That in the autumn of 1864, at Helena, Ark., soldier was very sick with pneumonia, or some lung trouble, brought on by a severe cold caused by exposure camping on the ground, which was cold and damp from frequent rains, and from the fact that the regiment was stationed on the Mississippi River bottoms; that during all the summer of 1864 soldier complained of the heat of the sun; that shortly after being taken sick at Helena, Ark., soldier was sent to a hospital at Helena and put under medical treatment; that he has seen soldier at frequent intervals since, and to all appearances he has not been well since, and was partially incapacitated for manual labor till his death, in February, 1881."

Charles E. Masey, a comrade, corroborates the above, and says that soldier was in hospital at Helena, under the care of Surgeon McMasters, and that he has had a bad cough ever since his discharge until his death.

Job Brown says he knew this soldier intimately from 1852 until his death; that

when he enlisted he was a strong, hearty man, and that after his discharge he was never a well man, but was almost constantly troubled with coughing and frequently complained of trouble with his chest and lungs. Celia Breese corroborates the above.

Dr. J. B. Fairbanks testifies that he treated this soldier in January and February 1861, for inflammation of the lungs, and from his appearance judged it had been of long standing; that he did not see him for ten days before he died, as he lived 8 miles away, but he is of the opinion that the chief cause of his death was lung trouble. A large number of reputable witnesses corroborate the above.

Had the surgeons of the regiment kept and filed with the Surgeon-General a record of the cases treated, this case would doubtless have been allowed. Their failure to do their duty has so far deprived this poor widow of her pension. Ought the Government to take advantage of the neglect of its own agents to perform their duty?

Your committee recommend the passage of the bill.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 511.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3524.]

The Committee on Pensions, to whom was referred the bill (H. R. 3524) granting a pension to Maria Mibord, have examined the same, and report:

That after careful examination they have adopted the report of the Committee on Invalid Pensions, House of Representatives, hereto annexed, and recommend the passage of the bill.

We find that Maria Mibord is the widow of Isidore Mibord, late of Company H, Tenth Missouri Cavalry. This soldier received a terrible wound at an engagement with the enemy near Monticello, Ala., March 31, 1865. The ball entered the right side of the head just behind the ear and passed through his right eye, destroying the sight of the eye and the hearing of the ear. For this he was allowed *four dollars* per month. He died November 29, 1878, and his widow made an application for a pension, alleging the gunshot wound as the cause of his death. The application was rejected on the ground that his death was caused by pneumonia and had no connection with the gunshot wound. A large amount of evidence was taken by a special examiner, which shows that the man was in a frightful condition. James Sack testifies that it was easy for any one who was acquainted with him to tell the cause of his death—was with him when he died and dressed him after death. During his last illness he complained of misery in his head. All the time after his discharge he was badly affected in his head—would have spells that he would fall down and become senseless, and corrupt matter was running from his eye and nose, about all the time. There was no doctor present the night he died. Some other neighbors who were present in his last sickness testify to substantially the same facts. Dr. Thomas J. Mahon testifies "that claimant often came to him to buy drugs; that he was not able to employ a physician; that it is his opinion that he died from the effect of the gunshot wound; that he told him a short time before that he had not long to live. His eye was mattering and running and was a frightful thing to look at; gradually grew weaker year by year and month by month."

Dr. D. A. Waters was called once to see him two days before he died and decided that he was suffering from pneumonia—never saw him before or after. His death may have been hastened by pneumonia, but it seems from the evidence that it must have followed in a few weeks from the wound in the absence of other causes.

Your committee recommend the passage of the bill.

O

TH CONGRESS, 1st Session. } SENATE. { REPORT No. 512.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1711.]

The Committee on Pensions, to whom was referred the bill (H. R. 1711) granting a pension to George C. Haynie, have examined the same, and report:

That after careful examination they have adopted the House report hereto annexed and recommend the passage of the bill.

No record appearing that the applicant, George C. Haynie, enlisted or served as captain of the Second North Carolina Mounted Infantry in the service of the United States luring the late civil war, his claim for a pension "on account of rheumatism of the eet and legs" was rejected by the Pension Office.

From the applicant's testimony it appears that he served under General Burnside at he siege of Knoxville, Tenn.; that after said siege was raised and General Burnside elieved, applicant was ordered back into North Carolina, in the recruiting service, nd that while so engaged he was captured by Confederate soldiers on the 28th of larch, 1864, in Madison County, North Carolina, and sent to prison at Asheville, N. C., nd while there he was chained hand and foot and placed in an iron cage. He had uffered from rheumatism in feet and legs while recruiting, on account of being obliged o wade streams and water-courses during very cold and severe weather; that during is confinement in the prison at Asheville, N. C., his sufferings from rheumatism in is feet and legs were most intense; that in July, 1864, after four months' imprisonent at Asheville, he was removed to Salisbury prison, at which time, owing to rheuatism, he was unable to walk any distance. He was kept in prison at Salisbury ntil October 31, 1864; that owing to his capture and confinement he was not musred in nor out of the service, although he was actually appointed and acted as said aptain.

Lew W. Henderson testifies that he was acting orderly sergeant of, and afterwards ieutenant of, Company A, North Carolina Mounted Infantry; that applicant, George Haynie, acted as captain of said company; that said applicant enlisted about Septmber 15, 1863, and was the greater part of the time up to and about January, 1864, arching from place to place; that in December, 1863, they were obliged to wade inch River, in East Tennessee, and that they were exposed to much cold and hard arching, and in consequence thereof a great many of the soldiers were disabled. iat he knew Capt. George C. Haynie at the time of his enlistment, and that at said ne applicant was a sound and healthy man; that subsequent to his enlistment he mplained of severe rheumatism.

Thomas Hunter and George McDowell, comrades, corroborate claimant's statements. Dr. A. B. Sams has a twenty years' acquaintance with claimant. He was also a amber of the same regiment, and has personal knowledge of the facts set forth by aimant, and that said facts are true, and that claimant was not treated for rheumasm of the feet and legs, because there was no medicine to be had.

On the 15th of May, 1872, Congress passed an act paying to said Capt. George C. Haynie, late of Company A, Second North Carolina Mounted Infantry, full pay and allowances as such captain. The committee is of the opinion that the evidence adduced, coupled with the fact that applicant's field of labor and duties were in a hostile country and at that period of the war when it was most perilous for him to be there, he was, from the nature of his services and condition of the country, unable, through no neglect on his part, to be properly mustered in and out of the service; therefore recommend the passage of said bill.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 513.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3505.]

The Committee on Pensions, to whom was referred the bill (H. R. 3505) granting a pension to Mary B. Smith, have examined the same, and report:

That after careful examination they adopt the report of the House of Representatives, hereto annexed, and recommend the passage of the bill.

The applicant, Mary B. Smith, is the mother of Leonard A. Smith, late a private in the Seventh Wisconsin Battery of Light Artillery Volunteers, who was captured and taken as a prisoner after or during an engagement with the enemy at or near Guntown, Miss., on or about the 11th day of June, 1864, and confined at Andersonville prison in Georgia, and at Charleston, S. C. The said Leonard A. Smith died from the effects of starvation and exposure suffered while confined in the aforesaid prisons, as shown by the following letter on file with applicant's papers in the Pension Office:

HOSPITAL STEAMER GEORGE LEARY,
Port Royal Harbor, South Carolina, December 17, 1864.

DEAR SIR: Leonard A. Smith, Seventh Wisconsin Battery Light Artillery, died on board this steamer this day from the effects of starvation while a prisoner. His effects you will find inclosed. He was buried at Beaufort, S. C. Was received from the rebels in Charleston Harbor the 16th instant. For further particulars address the Adjutant-General, Washington, D. C.

Respectfully,

HENRY C. SMITH,
Clerk George Leary.

From the testimony in the case it appears that the applicant and her husband, Ami Smith, are quite aged, both being nearly seventy-five years of age. That they were somewhat dependent on the son, Leonard A. Smith, for support, is established by affiant's declaration and the testimony of Noah Staple, who states on oath:

"I have been personally and intimately acquainted with Mrs. Mary B. Smith and her family and the circumstances by which they are and have been surrounded since the year 1863. She was the mother of three sons, Luther B. Smith, Leonard A. Smith, and Gustavus A. Smith, all of whom enlisted and served in the United States Army during the war of the rebellion. The said son Leonard A. Smith enlisted in the Seventh Wisconsin Battery of Light Artillery Volunteers as a private on or about the 12th of November, 1863; was captured during or just after an engagement with the enemy at or near Guntown, Miss., on or about the 11th day of June, 1864, while acting under the lawful orders of his superior officers and in the line of his duty; was taken as a prisoner of war to Andersonville, Ga., and there starved and inhumanly treated, from the effects of which he became sick and died. The said Leonard A. Smith was received on board the hospital steamer George Leary from the rebel authorities in Charleston Harbor, South Carolina, on the 16th day of December, 1864, and died on board said

steamer on the 17th day of December, 1864, from the effects of starvation while a
oner of war, and that the said soldier left surviving neither widow nor child, ha
never married; that he always contributed toward the support and comfort o
mother during his lifetime; that the said applicant and her husband own some p
erty, worth in the aggregate $800, and in their old age this does not furnish th
support, owing to their advanced age and poor health, and they are unable, in
manner whatever, from gaining their support from any personal efforts of their o

This witness is corroborated by others.

Your committee, in view of the fact that this aged couple furnished three so
defend their country in time of its need, one of whom suffered all the horrors
cruel death, should not in their old age be left to buffet against the cold wind
adversity, unaided by the Government, and therefore recommend the passage of
bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 514.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1703.]

The Committee on Pensions, to whom was referred the bill (H. R. 1703) granting a pension to Joseph Williams, have examined the same, and report:

That after careful examination and consideration they adopt the report of the Committee on Pensions of the House of Representatives, hereto annexed, and recommend the passage of the bill.

Joseph Williams enlisted in Company K, Second United States Artillery, and served until discharged by reason of re-enlistment, February 22, 1864; was transferred to Company F from Company K in 1865; discharged at Fort Vancouver 22d February, 1867, on account of expiration of service; re-enlisted at same place in the same battery February 26, 1867; was discharged February 26, 1870; re-enlisted in same battery at Presidio, Cal., July 1, 1871, and discharged at Marion, N. C., the 1st November, 1874.

Surgeon-General's report shows that soldier was admitted to post hospital, Fort Pickens, Fla., and treated for "contusion"; treated for "diarrhea" June, 1861; admitted to post hospital, Benicia Barracks, Cal., November 18, 1865, and treated for "contusion."

The soldier makes oath that he was sick in hospital at Plattsburg Barracks with chills and fever, and that on the route from New York to Florida he was hurt by the crushing in of the bulwarks of the transport Illinois; that he was hurt in the face by the pole of a limber cutting through his under lip, breaking some of the front teeth, and driving one into the jaw, where it remains yet, producing a festering sore in the jaw; was sick with fever at Federal Hill, Baltimore; was kicked by one of the battery horses at Benicia, Cal., being struck on head and chest, and was treated in hospital; was wrecked on bark Torrent in Cook's Inlet, Alaska Territory, in 1865, and the right forearm broken; also suffered from piles, rheumatism, pains in the legs and back; also suffered at Presidio Barracks from disease of the liver and kidneys. Comrades of the soldier swear that he was sick with disease of liver and kidneys at Presidio Barracks, which they state of their own personal knowledge.

Dr. Gilkey, examining surgeon at Marion, N. C., for the United States, says:

"Claimant states that he has pain on pressure over the region of the liver, right shoulder, and over the region of the kidneys with a desire to micturate very frequently when exerting himself, indicating chronic nephritis and chronic hepatitis. I find considerable injury to the teeth and alveolar process in both upper and lower maxillary bones, caused, as claimant says, by being struck with the pole of the limber. Claimant is anemic, emaciated, very feeble, and general health broken down. Disability from nephritis, hepatitis and injury to face one-fourth each, aggregating three fourths."

The committee think the soldier's long service, his many attacks and injuries, and his diseased and feeble condition at time of discharge and now entitle him to a pension, and recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 515.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3419.]

The Committee on Pensions, to whom was referred the bill (H. R. 3419) granting a pension to C. W. I. Pugh, have examined the same, and report:

That after a careful examination they adopt the report of the Committee on Invalid Pensions of the House, hereto annexed, and recommend the passage of the bill.

C.W.I. Pugh enlisted as a private in Company G, Twenty-fourth Kentucky Volunteers, on the 5th of November, 1861, and, without procuringa discharge from said service, re-enlisted in Company G, Forty-fifth Regiment Kentucky Volunteers, and continued in said service until he was discharged therefrom on the 14th February, 1865.

While in the service and in line of duty, in an engagement in battle with the enemy near Lexington, Ky., in June, 1864, he was thrown from his horse, and received a rupture in right groin, resulting in hernia, which has permanently disabled him.

He filed claim for pension February 15, 1881, and after having four special examinations his claim was rejected on the ground that he had no right to enlist in Forty-fifth Regiment Kentucky Volunteers without first procuring a discharge from first service.

It is abundantly shown that he was a good, brave, and faithful soldier, always ready for duty, and that he acted in perfect good faith when he enlisted in the said Forty-fifth Regiment Kentucky Volunteers, and that he did not know his last enlistment was a violation of the rules and regulations of the Department of War.

In view of the faithful service of the soldier during his first service and the perfect good faith with which he enlisted in the last regiment, and the long and faithful service during his last service, and the fact that the proof in the case shows beyond doubt that he was sound and free from any hernia or other disability when he enlisted, and that he was, while in line of duty and in battle with the enemy, permanently disabled, and the further fact that after an exhaustive examination of his case by a special examiner of the Pension Office the facts in the case appear so overwhelmingly meritorious that the special examiner recommends the granting of a pension, notwithstanding the decision of the Adjutant-General touching the soldier's right to enlist in his last service, your committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 516.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 737.]

The Committee on Pensions, to whom was referred the bill (H. R. 737) granting a pension to N. M. Miller, have examined the same, and report:

That after a careful examination they have adopted the report of the Committee on Invalid Pensions of the House of Representatives, hereto annexed, and recommend the passage of the bill.

We find that claimant enlisted August 16, 1862, in the Ninety-first Regiment Indiana Volunteers, and was discharged May 26, 1865. June, 1880, he filed application for a pension, alleging heart disease. June 1, 1885, the claim was rejected on the ground that there was "no record of heart disease, nor evidence of medical treatment in service. The evidence is insufficent to show the same due to the service." The evidence in this case seems to prove conclusively—it having been thoroughly investigated by special examiners of the Pension Department—that claimant was a strong, robust man at time of enlistment. That about August 1, 1864, he was admitted to the hospital, at Marietta, Ga., with epistaxis; that he also had scurvy and chronic diarrhea; that he continued to suffer from these diseases, and especially from epistaxis, very severely until his discharge; that he complained also of heart disease in the spring of 1865. He was a practicing physician before he entered the service, and at one time in the service had charge of the regimental hospital. It seems to be well established that he had heart disease and that it has continued ever since. The evidence shows that he was a good soldier. The difficulty in the Pension Department seems to have been to decide as to the cause of the heart disease. The evidence shows that claimant was addicted to the use of alcoholic drinks, and the medical referee, it seems, was unable to decide whether the heart disease was the result of that habit or of the scurvy and epistaxis and the resultant impoverishment of the blood. In submitting the case to the medical referee the examiner says:

"He used to drink. He is now of excellent reputation and high professional standing. He has practiced since 1858, and hence can furnish no medical evidence as to treatment. For that reason the disease of heart cannot be proven as an independent disability."

A number of his acquaintances, including Hon. B. W. Perkins, a member of this Congress, testify that he is a man of high character, unquestionable veracity, and of good standing in his profession. It is not possible for him to prove that the heart disease was not the result of the use of alcohol but it is more reasonable to suppose that three years of exposure and hardship, a want of proper diet, and the deprivations incident to a soldier's life in the field, resulting in scurvy and chronic diarrhea, caused the disability from which he now suffers.

Your committee recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 517.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 619.]

The Committee on Pensions, to whom was referred the bill (H. R. 619) granting a pension to Robert F. H. Goode, have examined the same, and report:

That after careful examination they have adopted the report of the Committee on Invalid Pensions of the House, hereto annexed, and recommend the passage of the bill.

That Robert F. H. Goode was a sergeant in Company F, Fifty-first Missouri Enrolled Militia Cavalry; that he was wounded in both arms and right hip, his horse being killed under him at the time, on July 8, 1864, in a battle with bushwhackers at Hardin, Ray County, Missouri. He filed his application for pension on account of disability by said wounds August 1, 1884. It was rejected February 17, 1885, on the ground that "the organization to which the claimant belonged was not in the service of the United States. He therefore has no title to pension under existing laws."

Had this application been filed prior to the 4th day of July, 1874, the claimant would clearly have been entitled to a pension under the provisions of clause 3, section 4693, Revised Statutes, providing for pensions to State militia.

The Government has lost nothing by the delay, but has saved the amount of pension that this soldier would have drawn for over eleven years.

Your committee believe the limitation of this statute should be raised in this case, and therefore recommend that the bill do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 518.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3903.]

The Committee on Pensions, to whom was referred the bill (H. R. 3903) granting a pension to Taylor Voss, have examined the same, and report:

That after careful examination they have adopted the report of the Committee on Invalid Pensions, House of Representatives, hereto annexed, and recommend the passage of the bill.

This soldier enlisted in Company I, Eleventh Kentucky Cavalry, September 12, 1862, was captured on a raid from Carthage to Gallatin, Tenn., December, 1862, and taken to Liberty; thence to McMinnville; thence to Tullahoma, Tenn.; was paroled March 19, 1863; joined his regiment at Camp Nelson, Ky., August, 1863. He was again taken prisoner by General Wheeler at Philadelphia, Tenn., October 20, 1863; was taken to Athens, Tenn., then to Dalton, Ga., thence to Belle Isle, near Richmond, Va., remaining there until March, 1864; transferred thence to Andersonville, his condition then being one of extreme suffering, and almost starvation, until September, 1864; then removed to Charleston, S. C., and placed in a parole hospital, remaining there six weeks. He was then sent to Florence, S. C., where he was exchanged and sent to a hospital at Camp Chase, Ohio, where he remained until April, 1865.

The claimant contracted rheumatism in prison at Belle Isle from exposure to cold and dampness, which was grievously aggravated from exposure to cold rains at Andersonville, from which he has constantly suffered ever since. Claimant was treated by Dr. Longwell at Camp Chase, Ohio, said physician dying soon afterward. The claimant was also treated for rheumatism from 1866 to 1868 by Dr. Matthew Pyle, of Louisville, Ky., who died in 1870.

This claim was rejected at the Pension Office in April, 1885, on account of the inability of the claimant to prove by the records of the War Department incurrence of disability while a prisoner of war.

In view of claimant's long imprisonment and extreme suffering, and the inability to furnish evidence called for by the Department caused by the death of the physician who treated him, and the death of comrades who were fellow-sufferers in prison, the evidence clearly showing him to be a sufferer from rheumatism continually since his discharge, and the medical board at Mitchell, Ind., having examined him in January, 1885, and given him a total rating for disability, caused by rheumatism, as they believed, to have been incurred while a prisoner of war, your committee, being entirely convinced that this claim is just, report the bill favorably, with the recommendation that it do pass.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 519.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 837.]

The Committee on Pensions, to whom was referred the bill (H. R. 837) granting a pension to Edgar Payne, have examined the same, and report:

That after careful examination they have adopted the report of the Committee on Invalid Pensions, House of Representatives, hereto annexed, and recommend the passage of the bill.

Edgar Payne enlisted as a sergeant in Company B, One hundred and ninth United States Colored Troops, June 12, 1864, and was discharged from the service February 6, 1866, and filed claim for pension June 6, 1882, basing his claim on disease of lungs, rheumatism, and chronic diarrhea, contracted in the service and in the line of duty. His claim was rejected February 15, 1884, on the ground of no record and the claimant's declared inability to furnish the testimony of an officer or medical evidence showing the existence of the alleged disease of lungs, chronic diarrhea, and rheumatism in the service or at discharge. Certificate of Adjutant-General on file in the case shows that his regimental hospital records are not on file in his office, hence claimant's inability to furnish the record evidence required.

Claimant shows by his own and the affidavit of Dr. S. K. Vanmeter, who was his family physician before enlistment, and who is highly credible, that the said claimant was sound and healthy, and free from lung disease or rheumatism at and prior to enlistment.

He shows by the testimony of Richard Buckner and Riley Raybold, comrades, that he was sound and healthy, free from diarrhea, rheumatism, and disease of lungs at and prior to enlistment, and that while in the service and in the line of duty he had divers severe attacks of diarrhea, and that he had also an attack of some kind of fever, which resulted in a cough, diarrhea, and rheumatism in his back and limbs, from which he has never recovered, and which has disabled him for manual labor at least one-half.

Dr. Vanmeter also testified that soon after claimant's said discharge he examined him and found him suffering from chronic diarrhea and a cough, and that he was at that time complaining of rheumatism, from which claimant suffered as long as he treated him, which was for two or three years after his discharge, and from which diseases claimant was incapable of earning a support by manual labor.

Dr. H. P. Cartwright testifies to the existence of the diseases from and after 1881.

Your committee believe that the facts are all well-established by reliable evidence; that claimant was healthy and free from disease at the time of enlistment, and that from exposure and hardships while in the service and in the line of duty he contracted the disabilities complained of, from which he has never recovered.

Your committee accordingly recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 520.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1824.]

The Committee on Pensions, to whom was referred the bill (H. R. 1824) granting a pension to Mrs. Louisa Noland, have examined the same, and report:

That after careful examination they have adopted the report of the House Committee on Invalid Pensions, hereto annexed, and recommend the passage of the bill.

Evidence in the case of Louisa Noland, widow of Augustus Noland, of Company F, One hundred and ninty-sixth Regiment Ohio Volunteers, claim No. 292812, shows that the soldier had been pensioned for measles, and resulting disease of the kidneys and heart, contracted in the service. The medical evidence on file in the Pension Office shows that he died of dropsy of the heart, and there is no question in the Pension Office as to the sufficiency of the evidence to sustain the claim of the widow for a pension. The claim was rejected, as shown by letter from Acting Commissioner of Pensions, given below, on the technical ground that the widow was married to the soldier without having been legally divorced from a former husband. The facts in the case are these: Her former husband, soon after her marriage with him, was convicted of crime and sent to the penitentiary for life. Both the widow and her second husband supposed the fact of the conviction and sentence for life of her former husband itself was a release to the wife, and they were consequently publicly married years before the soldier's enlistment in the service, and lived together as man and wife until the soldier's death.

This is a case, therefore, where a special act is required to relieve the claimant from a technical bar to her right to a pension.

The following is the letter from the Pension Office bearing upon this case:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 16, 1886.

SIR: I have the honor to inform you in response to your personal inquiry that the claim of Mrs. Louisa Noland, as widow of the above-named soldier, was rejected February 9, 1884, on the ground that she was not his legal widow, she having married him during the life-time of her former husband from whom she had not been divorced, as shown by her own statement.

It is proper to state that the soldier was pensioned for measles, and resulting disease of the kidneys and heart, and the medical evidence shows that he died of dropsy of the heart and lungs.

Very respectfully,

WM. E. McLEAN,
Acting Commissioner.

Hon. A. J. WARNER,
House of Representatives.

The committee respectfully recommend the passage of this bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 521.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1192.]

The Committee on Pensions, to whom was referred the bill (S. 1192) granting a pension to Alfred Denny, beg leave to report back the same with recommendation that it do pass.

Alfred Denny was mustered into the United States service as a captain and assistant quartermaster of volunteers on the 12th day of June, 1863, and was honorably discharged on the 3d day of June, 1864. His declaration for original invalid pension, signed and sworn to on the 4th day of March, 1884, shows that "while in the service and in the line of his duty at Chambersburg, in the State of Pennsylvania, on or about the 25th day of August, 1863, he was, by the a sudden movement of his horse, thrown upon the horn of his saddle and received an injury, causing a rupture or hernia"; that "being a post quartermaster he could not be treated by a regimental surgeon, but, upon the contrary, was treated by a private physician."

The statement of the examining surgeon for the county in which Mr. Denny lives, Preble County, Ohio, dated July 19, 1884, shows from the time that Mr. Denny left the United States service, as above stated, he has suffered from rupture, "so much so that within the last three years the other side became affected, and a hernia appeared, which, from some cause, produced most excrutiating pain, so that a council of physicians had to be called in the case, his life being despaired of for the time." The examining surgeon further states that he was Mr. Denny's physician "before he went into the service," and has been "since he came out"; and he asserts that "I know that he has been wholly incapacitated for manual labor ever since he came out of the Army, by reason of the continual suffering from these ruptures and consequent troubles."

The Commissioner of Pensions required Mr. Denny to furnish evidence of "a commissioned officer or member of the company" to which he belonged, which it was manifestly impossible for him to do, as he belonged to no company or regiment, being a captain and assistant quartermaster; for the same reason he was unable to furnish evidence from the "regimental surgeon" as to treatment, &c.

Under all of the circumstances the committee are of opinion that Mr. Denny is entitled to a pension, and recommend that the bill be amended by striking out of lines 5 and 6 the words "at the rate of $20 per month," and inserting in lieu thereof the words "subject to the limitations and provisions of the pension laws."

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 522.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1190.]

The Committee on Pensions, to whom was referred the bill (S. 1190) granting an increase of pension to Benjamin Fisher, beg leave to report back the same with recommendation that it be amended as follows: Insert the initial "M." between the words "Benjamin" and "Fisher" in the title, and in line 5; strike out the words "in accordance with his application filed in the Pension Office," in lines 5 and 6, and insert in lieu thereof the words "subject to the provisions and limitations of the pension laws," and that as so amended the bill do pass.

Benjamin M. Fisher was enlisted and mustered September 20, 1861, as a private soldier in the Fifth Battery Ohio Artillery; on the 6th day of April, 1862, at the battle of Shiloh, or Pittsburgh Landing, he was struck by the wheel of one of the gun carriages of his battery, whereby he was seriously injured in the left side and rendered unfit for further active service, in consequence of which he was discharged on the 12th day of October, 1862.

He filed a declaration for a pension May 16, 1873, and was subsequently allowed a pension for one-quarter disability, to commence October 13, 1862. On the 16th of January, 1882, he made application for an increase of pension to the amount allowed for total disability, $8 per month, which the Pension Office has refused to allow him on the ground that his increased disability is not due to the injury above set forth.

The report of the board of surgeons who examined him April 22, 1885, clearly shows that he is entitled to be enrolled as "totally disabled," except for the technical doubt as to cause of increased disability, as hereinbefore mentioned; at the same time the report alleges nothing to show that the increased disability came from any other cause.

Your committee are therefore of opinion that substantial justice will be done by the passage of the bill with proposed amendments.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 523.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1169.]

The Committee on Pensions, to whom was referred the bill (S. 1169) granting a pension to John S. Bridges, submit the following report:

Claimant enlisted as a private in Company C, One hundred and twentieth Regiment Illinois Volunteers, on the 14th day of August, 1862, and was discharged at Camp Butler, Illinois, September 15, 1865, by reason of expiration of term of service. In his original declaration he claims to have contracted heart disease in the line of his duty, viz, on a march from Memphis, Tenn., to Guntown, Miss., during which he was overheated. Officers and comrades corroborate this statement by affidavit. Medical testimony is furnished to show that he suffered from heart disease since the time of his discharge; that he is disqualified for severe manual labor, and that he was a sound man at the time of his enlistment. There is no record testimony bearing upon this case other than that which shows his presence on duty and his honorable discharge. The claimant testifies that he was treated by the regimental surgeon, Dr. Whitnall, who is dead, and that he is unable to procure further medical evidence.

Dr. John R. Clark testifies that the claimant was a sound and able-bodied man at the time of his enlistment, and that he was his family physician for five years prior to that event.

In view of the fact that the soldier was a healthy man when he went into the service, and that he came out of it broken in health and disqualified to perform manual labor, and that his disability increases with time, your committee recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 524.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1113.]

The Committee on Pensions, to whom was referred the bill (S. 1113) granting a pension to Lawrence A. Hudson, have examined the same, and report:

That the claimant in this case enlisted April 18, 1862, in Missouri Independent Cavalry, and was discharged September 10, 1863, for disability. He claims that he was thrown from his horse, receiving injuries that resulted in paralysis. The report of the Adjutant-General shows that he was in hospital, and that of the Surgeon-General that he was disabled and unfit for service, on account of chronic inflammation of the spinal cord. The same statement is made in the surgeon's certificate of disability for discharge, and the captain of his company's statement accompanying the surgeon's certificate says he was disabled in the line of duty. The examining surgeon states that his disability is total.

The application is rejected by the Commissioner of Pensions on the report of a special examiner, "which tends to show that the claimant's disabilities are the result of injuries received by the fall of his horse while racing on or about April, 1874, near Laddonia, Mo." The report also contains other testimony disparaging to the reputation of the soldier. The committee do not feel justified in accepting the proof collected by the special agent in preference to that produced from the record, nor has the moral status of the man anything to do with the evidence bearing upon his claim.

Believing the weight of testimony to be in his favor, we recommend the passage of the bill.

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: CONGRESS, } SENATE. { REPORT
t Session. } { No. 525.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 963.]

Committee on Pensions, to whom was referred the bill (S. 963) grant-g a pension to Harriet M. Ryder, widow of Van Ransalaer Ryder, have amined the same, and report:

he petitioner is a widow of Van Ransalaer Ryder, who was a corporal ompany K, Indiana Volunteers, and was pensioned for gunshot nds of right arm and breast. The history of the case justifies the ef that his death was the result of the injuries for which he was sioned, and it is in evidence that by reason of his poverty he was ble to procure medical attention, and the remedies that might have ved his sufferings and prolonged his life.

he committee report the bill favorably with the recommendation t it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 526.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1441.]

The Committee on Pensions, to whom was referred the bill (S. 1441) granting a pension to Michael Romahn, have examined the same, and report:

The records show that said Romahn was a private in Company K, Thirty-seventh Regiment Iowa Volunteers, and enlisted in September, 1862, and was discharged on May 24, 1865.

Declaration for pension filed December 5, 1882, in which claimant alleges varicose veins, caused by standing guard in the winter of 1862–'63; also an injury to breast and right shoulder, caused by railroad accident while he was on detail duty about May 15, 1865.

Claim rejected March 6, 1884, on the ground that claimant cannot furnish satisfactory evidence as to origin of disability in line of service.

It is shown by the affidavit of Dr. C. D. Manning that claimant was a healthy, robust man before enlistment, which statement is corroborated by affidavit of Capt. J. G. Crane, Company K, Thirty-seventh Iowa Volunteers, and also by affidavit of Corpl. P. B. Littlejohn, Company K, Thirty-seventh Iowa, the latter testifying to the varicose veins and to the injury to shoulder; saw the veins when the trouble was originally discovered, as stated by claimant, and knows he was injured while on detailed duty, as stated, by train going through a bridge.

Claimant has been treated by Dr. C. D. Manning, who was his family physician from 1871 to 1880, and he treated him for varicose veins and neuralgia of shoulder, which the doctor swears seems to have been broken. Claimant was compelled to give up his trade because of the varicose veins and lameness in shoulder; knows that claimant has grown worse from year to year.

The foregoing statements are corroborated by the certificate of the examining surgeon, which states that he found the varicose veins as stated, and that they were very much enlarged; also that claimant has a dislocation of the collar-bone, leaving the joint dropped downward an inch, so as to impair the forward motion of the arm. Certificate signed by P. J. Farnsworth, examining surgeon. Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 527.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1420.]

The Committee on Pensions, to whom was referred the bill (S. 1420) granting a pension to William Powell, have examined the same, and report:

It appears from the records in this case that claimant was a private in Company D, Sixth Regiment Indiana Volunteers, and enlisted August 10, 1861, and was discharged for disability August 12, 1862.

Declaration for pension filed January 10, 1863, alleging double scrotal hernia received while on the march from Columbia, Tenn., to take part in the battle of Shiloh.

Claim rejected May 2, 1883, on the ground that the rupture existed prior to enlistment. From the affidavits of the captain of the company it appears that the soldier's record was a good one, and that he was always ready for duty until disabled by the injury.

This statement is substantiated by affidavit of Lieutenant Grayson, who testifies that claimant was injured as he states. Also the affidavit of Jasper F. Dunlap, of the same company, who assisted him when he stopped on the road to return the bowel which had come down; says they had been marching double-quick for some time, when claimant first complained of being ruptured; that after the rupture claimant walked with great difficulty, being compelled to stop often and return the bowel; that the rupture occurred on the march and in the line of his duty.

Comrade Dillon testifies that claimant was at all times ready to do his duty until the time of injury as stated above. That claimant was a stout, able-bodied man before enlisting is testified to by several neighbors and friends.

Examining surgeon's certificate, dated October 8, 1877 says claimant has double scrotal hernia, "the worst case I ever saw; apparently half the contents of the bowels falling into the scrotum;" and that his "difficulty gives rise to great pain and tenderness." "That the hernia cannot be kept in place by trusses, and that claimant depends on daily labor for support." Certificate signed George H. Blair, examining surgeon. The foregoing certificate is corroborated in every respect by the certificate of Examining Surgeon W. L. Orr, dated March 4, 1880.

Taking into consideration the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill and recommend its passage.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 528.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 788.]

The Committee on Pensions, to whom was referred the bill (S. 788) granting a pension to John L. Bruce, have examined the same, and report:

The records in this case show that John L. Bruce, private, Company H, Third Kentucky Cavalry, enlisted September 30, 1861, and was discharged December 21, 1864. His record as a soldier is good.

Declaration for pension filed October 25, 1883, alleging that while in line of duty he incurred rheumatism, caused by exposure; that he also received an injury to his back by being thrown from his horse at Athens, Ala., in August, 1862. Claim rejected February 18, 1885, on the ground of "no disability from cause alleged since date of filing claim."

The claimant's statement is corroborated by the affidavit of his captain as to the disability incurred during the battles at Shiloh, and the statement is further corroborated by affidavit of Assistant Surgeon R. B. McNary, who testifies that he treated claimant in regimental hospital for rheumatism, blood poisoning from vaccination by impure virus, and for scurvy. Two neighbors, who have known claimant for several years, testify to his continued sickness and inability to perform any manual labor.

Further corroboration is found in the affidavit of Dr. Carl Newman, who has treated him since the war and for several years for rheumatism, neuralgia, and scurvy; also that claimant is unable to perform any manual labor because of these diseases. He testifies further that claimant has dropsy in lower limbs, and that the disease certainly tends toward paralysis.

Dr. C. V. Mottram, late surgeon of Sixth Michigan, corroborates the foregoing affidavit; also Dr. Richard Morris.

The examining surgeons' certificate states that claimant is disabled by diseases incurred in service, and is signed by George Wyman, W. B. Gibson, and S. E. Shiber. A second certificate states that claimant has the appearance of a chronic invalid, and has enlargement of the heart and general anæmia.

Taking into consideration all the evidence filed in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 529.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2134.]

The Committee on Pensions, to whom were referred certain papers in behalf of granting a pension to Patrick A. Callanan, have examined the same, and report:

That it appears from the records that claimant was a private in Company K, First Massachusetts Heavy Artillery; that he enlisted April 4, 1862, and was discharged April 17, 1865.

Declaration for pension November 17, 1879, alleging injury to right knee joint and rupture in right side and partial deafness from firing a salute at the death of ex-President Tyler.

Claimant's statement is corroborated by affidavits of Sergt. John Marshall, of same company and regiment, as to the injury to knee; that he was present at the time and saw claimant when he was injured; also as to the rupture in his right side; that he stood just behind claimant in the breastworks before Petersburg, Va., August 21, 1864, when injury was received, and cut a cane to assist claimant back to quarters. Lieut. William H. Merron confirms claimant's statement as to the fact that he was excused from duty, which he had always been prompt to perform, after the receipt of the injury, and that he was then incapacitated for all duty. Claimant's statement is further corroborated by affidavit of First Sergt. Henry C. McDuffy and also that of Joseph W. Gardner, a private in Company K, same regiment.

Claimant also presents a pass given him by the regimental surgeon, E. R. Cutler, admitting claimant to hospital after his injury.

There are in addition six affidavits of neighbors as to the disabilities of the claimant and that he cannot perform manual labor or work at his trade—that of tailor.

The examining surgeon's certificates, one of which is dated November 28, 1881, state that claimant's right leg above the knee is smaller than the left leg, and he also refers to the injury to his right side and rates his disability at one-fourth.

The examining surgeon's certificate, dated March 21, 1883, states that he has partial deafness of both ears, equal to one-fourth disability, and he has a chronic sore throat. Certificate signed by H. H. Atwater, W. B. Lund, and L. M. Bingham, examining surgeons.

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report a bill for claimant's relief and recommend its passage.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 530.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. PAYNE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 895.]

The Committee on Pensions, to whom was referred the bill (S. 895) granting a pension to Rachel Fleming Cellar, submit the following report:

On October 24, 1881, the claimant made a declaration alleging that she was the widow of George Cellar, who had served as a private in Captain Norton's company of militia in the war of 1812 for fourteen days, and by reason of said service received a land warrant some time between the years 1850 and 1855, and refers to proof on file to procure said warrant.

There is proof that the claimant's husband was engaged some two weeks in the erection of a block house within or near the Indian boundary, and although previous to the declaration of war, was immediately preceding and obviously preparatory to it.

The claimant is worthy, advanced in years, and in straitened circumstances.

The committee recommend the passage of the bill.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 531.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. PAYNE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 233.]

The Committee on Pensions, to whom was referred the bill (S. 233) granting a pension to Christiana Cooley, have examined the same and report, recommending the indefinite postponement of the bill, as the claim in the mean time has been allowed at the Pension Office.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 532.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. DOLPH, from the Committee on Claims, submitted the following

REPORT

[To accompany bill S. 897.]

The Committee on Claims, to whom was referred the bill (S. 897) for the relief of John Kouns, having considered the same report, as follows:

There is no merit in this claim. It is proposed by the bill to reverse the decision of the Supreme Court of the United States. The facts are stated in Cutler *v.* Kouns and another, 110 U. S. Reps., p. 720, from which we quote the following:

By section 3 of the act of July 13, 1861 (12 Stat. L., 255), it was enacted that it should be lawful for the President, by proclamation, to declare that the inhabitants of any State, or part of a State, in rebellion against the United States were in a state of insurrection, and that "thereupon all commercial intercourse by and between the same and citizens thereof and the citizens of the rest of the United States should cease and be unlawful so long as such condition of hostilities should continue."

By his proclamation, dated August 16, 1861 (12 Stat. L., 1262), the President declared, among others, the States of Louisiana and Texas to be in a state of insurrection against the United States (excepting such parts thereof as might, from time to time, be occupied by the forces of the United States), and forbade all commercial intercourse between the same and the inhabitants thereof, with the exceptions aforesaid, and the citizens of other States and other parts of the United States.

On April 26, 1862, the city of New Orleans was occupied by the forces of the United States, and remained in their possession until the close of the civil war. From the date named New Orleans was, therefore, excepted from the operation of the non-intercourse act.

In this state of affairs, on July 2, 1864, an act of Congress was passed, entitled "An act in addition to the several acts concerning commercial intercourse between loyal and insurrectionary States, and to provide for the collection of captured and abandoned property, and the prevention of fraud in States declared in insurrection" (13 Stat. L., 375).

Section 8 of the act provided as follows:

"That it shall be lawful for the Secretary of the Treasury, with the approval of the President, to authorize agents to purchase for the United States any products of States declared in insurrection at such places therein as shall be designated by him, at such prices as shall be agreed on with the seller, not exceeding the market value thereof at the place of delivery, nor exceeding three-fourths of the market value thereof in the city of New York, at the latest quotations known to the agent purchasing."

In pursuance of the authority thus conferred, the Secretary of the Treasury designated certain cities, among them the city of New Orleans, as places of purchase, and appointed purchasing agents. By regulations dated May 9, 1865, he directed that, to meet the requirements of the eighth section of the act of July 2, 1864, the agents should receive all cotton brought to the places designated as places of purchase, and forthwith return to the seller three-fourths thereof, or retain out of the price thereof the difference between three-fourths the market price and the full price thereof in the city of New York.

While the statute and these regulations were in force, to wit, on June 6, 1865, the defendants in error, George L. Kouns and John Kouns, brought to the city of New Orleans about 900 bales of cotton which they had caused to be transported, a part

from near Shreveport, in the State of Louisiana, and the residue from Jefferson, i the State of Texas. At the time last mentioned, Cutler, the plaintiff in error, wa the purchasing agent in New Orleans appointed by the Secretary of the Treasury. A such agent he took possession of the cotton, and before releasing it to the plaintif in error exacted from them the one-fourth of its market value in New York, whic they paid under protest. They paid the money in three installments, $13,695.92 o June 12, $7,200 on June 15, and $8,588.41 on June 20. The money so paid was pai into the Treasury by Cutler.

A writ of error was prosecuted to the Supreme Court to reverse tha judgment. The judgment was reversed, the Supreme Court holdin that Cutler, the agent of the Treasury, had authority under the law and regulations of the Treasury Department, to exact the money fo which the suit was bought. Mr. Justice Woods, speaking for the court, said:

On July 1, 1871, the defendants in error brought this suit against Cutler to recover the money so paid. Cutler set up several defenses, only two of which it is necessary to notice. These were, first, that the seizure of the cotton and the exaction of the money paid to him were authorized by section 8 of the act of July 2, 1864, and the regulations of the Secretary of the Treasury made in pursuance thereof; and second, that the suit was barred by the limitation enacted by section 7 of the act of March 3, 1863, entitled "An act relating to habeas corpus, and regulating judicial proceedings in certain cases." (12 Stat., 755.)

Upon the trial of the case in the circuit court the defendant Cutler moved the court to direct the jury to return a verdict for him on the ground that the exaction of the money sued for was lawful. The court refused to give this instruction. The defendant also moved the court to direct the jury to return a verdict for him on the ground that the action was barred by section 7 of the act of March 3, 1863, because the suit had not been commenced within two years after the wrong done to redress which the suit was brought. This motion was also denied, and the court instructed the jury that the plaintiffs were entitled to recover the sum of $7,200 paid by them to the defendant on June 15, and the sum of $8,588.41 paid on June 20, with interest.

In pursuance of this instruction the jury returned a verdict for the plaintiffs for $29,679.55, for which the court rendered judgment in their favor against the defendant.

The errors assigned are, first, the refusal of the circuit court to direct a verdict for the defendant on the ground that the money sued for was lawfully exacted from the defendants in error, and, second, its refusal to give a similar direction on the ground that the action was barred. We think both these assignments are well founded.

It is not disputed that on June the 6th, 1865, when the cotton was brought to New Orleans, the exaction by Cutler, the purchasing agent, of one-fourth its market value in the city of New York was lawful, and that under the statutes and the Treasury regulations it was his duty to make it. The contention of the defendants in error is that by the proclamation of the President dated June 13, 1865, the right of the purchasing agent to buy the cotton in question at three-fourths its market price in New York, or, what is in substance the same thing, to take possession of the cotton and hold it until one-fourth of its market value in New York was paid to him by the owner, was taken away, and that after that date the exaction of one-fourth the market price of the cotton was unlawful.

The material part of the proclamation of June 13, 1865, was as follows:

"Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare that all restrictions upon internal, domestic, and coastwise intercourse and trade, and upon the removal of products of States heretofore declared in insurrection, reserving and excepting only those relating to contraband of war, as hereinafter recited, and also those which relate to the reservation of the rights of the United States to property purchased in the territory of an enemy, heretofore imposed in the territory of the United States east of the Mississippi River, are annulled, and I do hereby direct that they be forthwith removed." (13 Stat., 763.)

As throwing light upon the question in hand, it should be stated that on June 24, 1865, the President issued another proclamation, which, after reciting that, "Whereas it now seems expedient and proper to remove restrictions upon internal, domestic, and coastwise trade and commercial intercourse between and within the States and Territories west of the Mississippi River," proceeded as follows:

"Now, therefore, be it known that I, Andrew Johnson, President of the United States, do hereby declare that all restrictions upon internal, domestic, and coastwise intercourse and trade, and upon the purchase and removal of products of States and parts of States and Territories heretofore declared in insurrection, lying west of the Mississippi (except only, &c.), are annulled, and I do hereby direct that they be forthwith removed." (13 Stat., 769.)

The cotton in this case was a product of a country west of the Mississippi River. It was brought to New Orleans under the authority of the act of July 2, 1864. When it arrived on June 6th it was subject to the exaction enforced by the plaintiff in error. When the proclamation of June 13 was issued a part of the money due the United States had been paid. If the defendants in error were relieved from the payment of the residue it was by virtue of that proclamation. Leaving out the parts not applicable to this case, it declared "that all restrictions * * * upon the removal of products of States * * * declared in insurrection * * * heretofore imposed in the territory of the United States east of the Mississippi River are annulled." Its clearly expressed purpose was to annul the restrictions imposed upon the removal from the territory east of the Mississippi River of the products of that territory.

If we adopt the view of the defendants in error it would follow that all cotton produced west of the Mississippi, which could only be transported to New Orleans by virtue of the act of July 2, 1864, and on the condition that it was there to be sold to a purchasing agent, and to be subject to an exaction of one-fourth its value, would the moment it arrived be relieved of all the conditions imposed on it by the statute under authority of which it was removed. In other words, the law imposing restrictions upon the removal of cotton west of the Mississippi would have been nullified by a proclamation of the President which applied in terms only to the territory east of the Mississippi.

The policy of the President was not to remove, and he did not remove, the restrictions upon products of the country west of the Mississippi until his proclamation of June 24. But the defendants in error contend, in effect, that by transporting their cotton to a place east of the Mississippi, where they were under the implied obligation to pay the United States one fourth its value, they can escape that exaction and get the benefit of the repeal of the restrictions upon cotton grown east of the Mississippi River. But until the restrictions upon the removal of cotton produced west of the Mississippi had been repealed, such cotton, if removed from the place where it was grown, would, while the restrictions were in force, remain subject thereto, no matter what might be the regulations concerning the products of the place to which it was removed.

The proclamation of June 13 refers to places declared to be in insurrection, and annuls restrictions placed upon the removal from such places of the products thereof. The construction contended for by the defendants in error would apply it to a city not in insurrection, but in the possession of the Federal forces, and to a place where the product was not grown, and where no restrictions upon the removal of articles there produced were in force. Such, in our opinion, was not the effect of the proclamation of June 13.

There is another view of the question which also appears to us to be conclusive. The money exacted by the plaintiff in error from the defendants in error was paid into the Treasury by him. If he should be compelled to return it to the defendants in error the United States would in justice and honor be bound to make him whole. The suit is, therefore, in substance and effect, an action brought by the defendants in error against the Government to recover the money collected by its officers and paid into its Treasury, and is to be considered in that light.

We think the money sued for is the money of the United States. When the cotton reached New Orleans, on June 6, it was subject to an exaction of one-fourth its market value in New York. The owners had been allowed to bring in their cotton upon the implied promise and understanding that they would sell it to the Government for three-fourths the market price. Upon its arrival in New Orleans the rights of the Government in the cotton became fixed. One-fourth its value was as much the property of the Government as the other three fourths were the property of the defendants in error. No proclamation of the President could transfer the property of the Government to them. The purchasing agent, for the accommodation of defendants in error, had allowed them to pay the amount due the Government in three installments. The fact that the proclamation intervened between the payment of the first and the second installments could not relieve the defendants in error from the payment of money actually due to the United States. The President had no more power to exonerate them from the payment of the sum due than he has to relieve an importer from the payment of duties on his imported merchandise.

It follows from these views that the plaintiff in error had authority under the law and regulations of the Treasury Department to exact the money which the defendants in error brought this suit to recover.

The committee therefore recommend that the bill do not pass.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 533.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. DOLPH, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 4411.]

The Committee on Claims, to whom was referred the bill (H. R. 4411) for the relief of A. Gates Lee, report as follows:

It is proposed by the bill to authorize the Secretary of War to investigate by the Quartermaster's Department the alleged use and occupation by the United States troops during the late war of certain mill property, situated in McCracken County, in the State of Kentucky, alleged to have been the property of A. Gates Lee and B. P. Lee, and for damage to said property by such troops, and to report the result of such investigation with his recommendation to Congress.

The bill was reported favorably at the present session from the Committee on War Claims.

We quote the following from said report:

The evidence in the case shows that claimant and his brother, B. P. Lee, were, in 1861, partners and owners of a large flouring-mill at Paducah, Ky.; that they were both loyal to the Government of the United States, and suffered pecuniary loss for their loyalty; that B. P. Lee died in 1864, leaving A. Gates Lee his surviving partner.

In September, 1861, the military authorities of the United States took possession of their mill and used it for officers' quarters, quartermasters' stores, and for barracks for soldiers; that the property was occupied by various regiments most of the time for something over two years.

The evidence further shows that in addition to its use the property was badly damaged, not only by having its machinery torn out and destroyed, but by having the weather-boarding torn off, and floors taken up, so that at the time it ceased to be occupied it was of very little value as a flouring-mill.

Lieutenant Willson appointed a commission of citizens of Paducah to appraise the damage to this property, and this commission returned an estimate of $11,875, this covering not the rental value, but the damage to the mill property.

The claim was presented to the Quartermaster's Department and rejected because there was no legal authority to pay this kind of claim. An offer of $25 per month was made as rent, the claimant being advised that his remedy was an appeal to Congress. The claim was also presented to the Claims Commission of the War Department, but was never acted upon.

In the opinion of your committee the facts already ascertained in regard to this claim are sufficient to enable it to be acted upon intelligently by Congress.

The rental value of the property was ascertained under direction of the War Department and would seem to require no further investigation.

The commission of citizens of Paducah appointed by Lieutenant Willson to appraise the value of the use of said property reported that a reasonable rent would be $75 per month. Amount allowed by the Quar-

termaster-General was $25. Whether this amount was received by the claimant does not appear.

The claimant's property was taken possession of upon the occupation of Paducah, Ky., by the Federal forces under General Grant, and during the whole period of alleged occupation by Federal troops Paducah was a strategic military point.

The occupation of the property by the military authorities was not only without any express contract for the payment of rent, but under circumstances which negatived the idea of an implied contract. Such occupation appears to have been under the law of military necessity, which imposes no obligation on the Government to make compensation for its use.

The remainder of the claim is for damage to the property. The Government has never assumed and ought not to assume payment for pillage or wanton depredations by soldiers.

Your committee, therefore, recommend that the bill be indefinitely postponed.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 534.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. DOLPH, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1256.]

The Committee on Claims, to whom was referred the bill (S. 1256) for the relief of Thomas H. Norton and James McLean, having duly considered the same, make the following report:

The facts are fully stated in the affidavit of T. H. Norton, a letter from Hon. N. C. McFarland, Commissioner of the General Land Office, to the register and receiver of the land office at Del Norte, Colorado, dated March 29, 1882, and a letter from the honorable Secretary of the Interior to the Commissioner of the General Land Office, dated May 10, 1882, copies of which are made a part of this report.

Claimants recently applied to the Secretary of the Interior for equitable relief. The Acting Secretary, in denying the application, said:

> The subject of said application has been carefully considered, and while the facts stated seem to show a strong calling for relief it is not in the power of this Department to grant the relief sought, but if it is granted recourse must be had to Congress.

In the opinion of your committee the receipt by the receiver of the local land office of the draft on the First National Bank of Ironton, Ohio, mentioned in the correspondence for the amount at the time, required to pay for the lands sought to be entered, ought to be treated as a payment, and the claimants are equitably entitled to the relief asked.

The committee therefore recommend that the bill do pass.

Affidavit of Thomas H. Norton.

STATE OF WEST VIRGINIA,
County of Ohio, ss:

Personally appeared before me, the undersigned, a clerk of the county court in and for the county aforesaid, on the —— day of ——— A. D. 1885, Thomas H. Norton, who, being duly sworn, deposes and says as follows:

On the 12th day of September, 1881, being then at Villa Grove, Saguache County, Colorado, 75 miles from Del Norte, the nearest United States la d office, and being fully aware of the law regulating the sale of United States coal lands, which provides that if a completed railroad approaches to within 15 miles thereof, the price to the purchaser shall be $20 per acre, and desiring and intending to avail myself of the law authorizing the sale of such land at $10 per acre, I proceeded on that day by private conveyance to Del Norte expressly and solely to make the legal entry of the south one-half of southwest one-quarter, and southwest one-quarter of section 26, and north one-half of northeast one-quarter of section 35, township 46 north, range 8 east, and make payment therefor. I arrived at Del Norte the following date, September 13, 1881, and in company with James McLean, my associate in the entry and purchase of this land, I called at the United States land office at that place, and there found Mr. John Cleg-

born, the register of said office. Explaining to him the nature of my business, I was permitted at once to make the entry of the land in question. I paid the requisite fee therefor, and then proposed to pay the sum of $3,200 to complete the entry, having at that time the funds for the purpose on deposit to my individual credit in the Custer County Bank, and fully available to me in currency on that day in Del Norte. To this proposition the register stated that the receiver being absent the payment could be deferred until the end of the month. Subsequent investigation shows that the receiver, Mr. Bristoe, was absent from his office without proper authority, and on that day, September 13, 1881, was in the city of Denver, Colo., over 300 miles from Del Norte. I expressed anxiety to the register about this payment, informing him that the Denver and Rio Grande Railroad was being rapidly constructed to a point within 15 miles of said lands, and would probably reach there before the end of the month, and offered if necessary to leave the funds with the register. In reply that officer explained that the receiver made no report until the end of the month, and that if payment was then made the sale would be duly approved at $10 per acre.

I now distinctly state that had the receiver been at his post of duty on that day the sum of $3,200 would have been paid to him by me in United States currency in payment of the entry of this land; but in the absence of that officer, and upon the assurance of the register that the short delay in payment would not affect the price, the payment was deferred, as stated. Thus the matter rested until September 30. Being on that day at Buena Vista, Colo., 150 miles distant from Del Norte, I telegraphed the register asking if he would grant an extension of thirty days in which to make the payment, and receiving a negative reply I immediately mailed to him a sight draft for $3,200 on the First National Bank of Ironton, Ohio, which draft was duly received by the receiver, forwarded for collection, and the proceeds duly paid over to the United States. I received no notice or intimation of any kind, by telegraph, mail, or otherwise, from said receiver that he could not or would not receive said draft in payment for said lands; therefore I supposed the transaction was closed and the entry complete, and received no information to the contrary until long after October 15, 1881, when I was informed that the Commissioner of the General Land Office had decided otherwise, and directed the local land officers to require Mr. McLean and myself to pay an additional sum of $10 per acre before said entries would be recognized by him as complete. I further state that had the receiver of said land office, on the receipt of said draft by him, notified me that he could not accept the same in payment for said land, I could and would have paid to him in lawful money of the United States therefor, before the 15th day of October following the date said railroad was completed to within 15 miles of said lands. I further state that by reason of the neglect of said receiver to inform me as soon as he received said draft that he could not or would not accept the same in payment for said lands, and by the order of said Commissioner aforesaid, a consequence resulting from said neglect, in order to save ourselves from the loss of several thousand dollars expended by us in improvements made upon said lands before and after applying to enter the same as aforesaid, we were compelled to pay the sum of $10 per acre for said lands in addition to a like sum previously paid by us therefor, as aforesaid, amounting to the sum of $3,200, which we would not have been compelled to pay had the said receiver been at his post of duty when we first applied to enter said lands, or had he returned said draft to me on his receipt thereof and informed me that he could receive nothing but lawful money of the United States in payment for said lands as (it is the belief of affiant) was his duty to do.

T. H. NORTON.

Sworn to and subscribed before me this 23d day of November, 1885.

GEORGE HOOK,
Clerk of the County Court of Ohio County, State of West Virginia.

Ex parte Thomas H. Norton and James McLean to have refunded $3,200, wrongfully exacted from them on coal-land entry No. 1, Del Norte, Colo.

MARCH 29, 1882.

GENTLEMEN: The evidence submitted in the matter of coal entry No. 1 in the series of your office made November 11, 1881, for the claim of James McLean and Thomas H. Norton, embracing 320 acres of land described as the south one-half of southwest one-quarter and southeast one-quarter of section 26, and the north one-half of the northeast one-quarter of section 35, in township 46 north, of range 8 east, N. M. M. has been carefully considered.

The entry was allowed upon the payment of $10 per acre, notwithstanding the fact that at the date thereof the Denver and Rio Grande Railroad had been completed to a point within 15 miles of the land embraced therein, thus raising the question whether the entry allowed upon payment at the rate of $10 per acre should be approved or whether the claimants should be required to make an additional payment

of $10 per acre, which would aggregate $3,200. Section 2347, U. S. Rev. Stats., provides:

"That any person above the age of twenty-one years who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter by legal subdivisions any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding 160 acres to such individual person, or 320 acres to such association, upon payment to the receiver of not less than $10 per acre for such lands, where the same shall be situated more than 15 miles from any completed railroad, and not less than $20 per acre for such lands as shall be within 15 miles of such road."

The price of the land is determined by the law and the facts as they exist at the date when the money is paid and the entry made.

In this case the money was paid as per the record on the 11th of November, 1881, and not on the 4th of October, 1881, the date when the draft on the First National Bank of Ironton, Ohio, was received by the receiver.

In view of the foregoing, the claimant will be required to make an additional payment of $10 per acre, which would aggregate $3,200.

You will notify the claimants of this decision and allow them sixty days for appeal, and after the expiration of the time allowed for appeal you will report any action taken to this office.

Very respectfully,

N. C. McFARLAND,
Commissioner.

REGISTER AND RECEIVER,
Del Norte, Colo.

DEPARTMENT OF THE INTERIOR,
Washington, May 10, 1882.

SIR: I have considered the appeal of James McLean and Thomas H. Norton from your decision of March 29 last, requiring an additional payment of $10 per acre on their purchase of the south half of southwest quarter and southeast quarter of section 26, and the north half of northeast quarter of section 35, in township 46 north, range southeast, Del Norte, Colo.

The tracts are coal lands, and the only question is whether their price should be $10 or $20 per acre; and this depends, under section 2347 of the Revised Statutes, upon their proximity to a completed railroad. If at the date of proof and payment, which constitutes the entry, the land is more than 15 miles from such road, the price is not less than $10 per acre; if within 15 miles, it is not less than $20 per acre (see my predecessor's decisions of October 17, 1881, Copp, November, 1881, in which I concur). The price of coal lands varies therefore, according to its relations to a completed railroad, and each case depends upon facts peculiar to itself.

The present case shows that on September 13, 1881, the appellants filed a declaratory statement for the land in question, and paid the official fees, and soon thereafter mailed to the local officers the personal draft of one of them for $3,200, the price of 320 acres, at $10 per acre, upon a bank in Ohio. This draft was received at the local office between October 1 and 3, and was sent to another bank for collection on October 4, the receiver declining to accept it as payment for the land until it was honored. It was not paid until November 11, when the entry was allowed at $10 per acre. On September 13, no railroad was completed to within 15 miles of the land, but the Denver and Rio Grande had progressed and was completed to within that distance on or about October 15.

If, instead of a draft, the appellants had paid $3,200 in money on September 13, or had the avails of the draft been received at the local office before October 15, they would have been entitled to the land at $10 per acre; but as money only can be received in payment of Government land, and this payment was not made until November 11, the price of the land, by reason of the progress of the road to within 15 miles of the land, was enhanced to $20 per acre.

The appellants appear to have acted in entire good faith, but under the mistaken supposition that their draft was a payment for the lands and sufficient to cause an entry thereof.

I cannot, however, regard the equities in their favor as against a strict requirement of the law, and affirm your decision.

The papers transmitted with your letter of April 22, 1882, are herewith returned.

Very respectfully,

H. M. TELLER,
Secretary.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

CONGRESS, } SENATE. { REPORT
t Session. } { No. 535.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

. FAIR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2135.]

Committee on Claims, to whom was referred the bill (S. 1963) to com-sate Isaiah W. Lees and H. H. Ellis, of San Francisco, Cal., for vices rendered the Government, have had the same under considera-, and report as follows:

appears that the late Senator Miller, of California, was immediately ected with the direction of the service performed by these claimants hich compensation is asked in the bill.

s opinion of the value of their labor, as well as his manifest desire l them in obtaining remuneration therefor, is clearly shown by the wing affidavit and letter:

OF CALIFORNIA,
City and County of San Francisco, ss:

n F. Miller, being duly sworn, says that he read the petition of H. H. Ellis and Lees, and that the statement of facts therein contained is substantially true; he frauds upon the United States revenues mentioned in said statement were ed and brought to light by the efforts of said Ellis and Lees, and that the pay-mentioned in said statement were made by way of a compromise between the l States and Charles S. Lord, and the same was sanctioned by the Treasury De-ent; that the confessions of judgment in the actions brought upon the export given by said Lord, were mere incidents to said compromise, and the money was a settlement of all matters of difference between the revenue department and ord; that affiant was, at the time of all the transactions mentioned in said state-collector of customs for the district of San Francisco, and made said compro-on the part of the United States; that affiant expected that said Ellis and Lees receive one-fourth part of said sum, being the parties who gave the information led to the payment of said moneys into the Treasury of the United States, and resented to them; that the detection of the said frauds were, as affiant verily es, of great benefit to the United States, and that the compensation requested d Ellis and Lees is justly due them, and further saith not.

AL.] JOHN F. MILLER.

WASHINGTON, D. C., *May* 1, 1870.

TLEMEN: Your note of the 21st ultimo and copies of your memorial to Congress een received.

ill afford me pleasure to return you all the aid in my power. Your memorial l prepared and correctly states the facts and circumstances of the case. If a introduced for your relief I will cheerfully go before the Committee on Claims ve my testimony which will substantiate all you have said in the memorial.

r truly, yours,

JNO. F. MILLER.

SRS. LEES and ELLIS,
San Francisco.

The accompanying affidavits also appear in the proofs:

I hereby certify that I was United States attorney for the district of California during the time referred to, and I fully concur with General Miller in his statement in regard to the services rendered by Messrs. Lees and Ellis, and that they ought to be liberally compensated therefor.

[SEAL.] DELOS LAKE,
Judge of the Municipal Criminal Court, San Francisco.

STATE OF CALIFORNIA,
City and County of San Francisco, ss:

I hereby certify that during the time the alleged frauds were committed on the revenue of the United States Government, said Lees was a captain of police and said Ellis policeman, both belonging to what is known as the detective branch of the police department of the city and county of San Francisco, State of California, and who were specially detailed at said time to investigate into said frauds and aid in the discovery thereof by and at the request of General John F. Miller, the collector of the port of San Francisco at that time.

[SEAL.] P. CROWLEY,
Chief of Police.

STATE OF CALIFORNIA,
City and County of San Francisco, s s:

Thomas B. Shannon, being duly sworn, deposes and says that he was surveyor of the port of San Francisco during the years 1867–'68; that detective officers Lees and Ellis discovered the frauds practiced on the Government by the firm of Nudd, Lord, and others, and the sales and compromises resulting directly from their seizures amounted to $43,415.84, cash.

That they had never been paid their moiety on this or any other sum up to the present time, and are justly entitled to a liberal compensation, for the effect of their labors utterly destroyed the most formidable whisky combination that ever existed on this coast.

[NOTARIAL SEAL.] THOS. B. SHANNON.

A letter from ex-Mayor Bryant, of San Francisco, to the Hon. Barclay Henley, of the House of Representatives, contains the following statement:

I was naval officer of this port at the time of the detection of frauds on the revenues, which resulted in the seizure at different times of goods and property belonging to the firm of Nudd, Lord & Co., and their associates.

The United States Government received from the seizures, sales, and compromises over $43,000, but this sum was unimportant compared with the revenues accruing to the Government through the prompt destruction of that "ring."

Messrs. Lees and Ellis, of the San Francisco detective force, were the sole persons who accomplished the great work.

On account of the sickness of the late Senator Miller, a bill for the relief of these claimants was not introduced in the Senate until after his decease.

On the 18th day of January last, Mr. Morrow, of California, introduced in the House of Representatives a bill (H. R. 3864) containing the same words and figures, which was referred to the Committee on Claims in that body.

On the 11th day of March it was favorably reported from that committee with an amendment.

That report presents a full and concise statement of the case as exhibited by the proofs, and is herewith appended and made a part of this report, as follows:

The claimants mentioned in the bill were members of the detective arm of the San Francisco police department during the years 1867–'68, and were employed by Senator Miller, of California, who was at that time the collector of customs of the port of San Francisco, to work up certain suspicious circumstances connected with the management of local internal-revenue affairs.

The result of their skill and labor brought to light the existence of a systematic method by which distilled spirits were removed from the internal-revenue bonded warehouses for the alleged purpose of rectification; the packages thus removed were filled with water and returned to the warehouse, while their original contents were placed upon the local market and sold without paying the tax due thereon.

To perfect the scheme, and place its detection beyond the reasonable possibility of exposure, they exported the barrels containing the water so fraudulently substituted to foreign countries, under custom-house export bonds. Upon presentation of landing certificates from the American consul at the port of destination the job was finally concluded.

The incident which unveiled the peculiar methods adopted to evade the lawful tax came to light through the failure of a captain of a vessel in the employ of Nudd, Lord & Co., a heavy wholesale liquor house, to successfully execute one of their plans.

It appears that on the 9th day of July, 1867, the schooner Sarah cleared in the San-Francisco custom-house for the Amoor River, laden with 175 barrels and 100 cases of spirits, properly protected by an export bond for $64,800, which represented double the amount of the tax due thereon had it entered into local consumption. A few days thereafter she was reported wrecked of Santa Cruz, which is located about 75 miles south of the harbor of San Francisco.

It was at this time that Senator Miller secured the services of these officers. They discovered the wreck, and found evidence that she had been intentionally scuttled; that the hoops on the barrels were purposely cut to permit the contents to escape, and a few of the barrels that had not been cut contained water only. With this information they proceeded to arrest the cook of the schooner, whom they found concealed on board a vessel lying in the harbor of San Francisco, and imprisoned him. While under arrest, through the payment of money and promise of exemption from criminal prosecution, they obtained information by which they found concealed in a cave in Sir Francis Drake's Bay, located on the coast of California, about 40 miles north of San Francisco, twenty-four barrels and one hundred cases of genuine spirits, part of the schooner Sarah's alleged cargo.

The remainder of the crew were subsequently arrested and indicted.

It also appears in the evidence that the same firm of Nudd, Lord & Co., in the month of May previous, had shipped forty-three barrels of alleged spirits to Victoria, British Columbia. Further investigation proved that forty contained water and three only contained spirits.

In the same month they had shipped one hundred barrels of alleged spirits to Guaymas, Mexico. This shipment turned out to be ninety barrels of water and ten only of spirits, which were sold at that place.

The proofs furnished the committee are documentary and found in House executive documents, first session Forty-first Congress. They are embraced in the report of ex-Governor Samuel Purdy, who was detailed as special agent of the internal revenue at Washington to proceed to San Francisco and investigate the internal-revenue affairs, which had now become the subject of much newspaper excitement.

The proofs show that the sums collected from the seizures and information furnished Senator Miller by these claimants were as follows:

From the sale of the spirits found at Drake's Bay	$2,370 80
From sale of the wreck of the schooner Sarah	845 04
From the export bond of the schooner Sarah	32,400 00
From the export bond of the steamer Active	7,800 00

The total net sum paid into the National Treasury through the efforts of the claimants aggregates $43,415.84, and they ask for one-half of that amount, namely, $21,707.92, as compensation due them for services rendered, or moieties due to "informers" under section 179 of the old internal-revenue laws.

From the historical facts set forth in the report of ex-Governor Purdy, and the unimpeachable character of the gentlemen signing the letters, as well as the accompanying affidavits, your committee find no hesitation whatever in concluding that these claimants are entitled to a just compensation for services rendered.

Had each of these cases been tried before the court and judgment duly rendered for those amounts respectively, it is probable that, upon a proper representation, the United States district judge might have ordered at that time that these claimants be declared the "informers" according to law, and awarded them one-half of the net sums collected through their instrumentality. But no such action was had, and a further discussion of that phase of the case does not properly enter into the present consideration.

It is conclusively shown by the affidavit of Senator Miller, of California, who was at that time the collector of customs for the port of San Francisco, that when he employed these claimants he represented to them that they would receive one-fourth part of the net sum accruing to the Government from the success of their labors.

This representation was based upon section 3090, United States Revised Statute page 183, and is the law to-day as well as then. That section, after stating wh disposition shall be made of the fines, forfeitures, or penalties incurred under the a by first paying the duties, costs, &c., says:

"And the residue of the proceeds aforesaid shall be paid into the Treasury of th United States, and distributed under the direction of the Secretary of the Treasury i the manner following, to wit: One-half to the United States; *one-fourth* to the pe son giving the information which led to the seizure or to the recovery of the fine c penalty," &c.

It was under the authority conferred by the foregoing section that Senator Mille offered these gentelmen employment and received their services. The subsequen transfer of the different civil and criminal proceedings then pending to the courts fo final adjudication through the internal-revenue arm of the Government did not, i the opinion of your committee, change the status of the original contract and unde standing with Collector Miller.

It is clearly shown in the proofs that each case was compromised by Senator Mille as collector of customs; that the money was paid to him, and by him personally cov ered into the National Treasury without reference to the Internal-Revenue Offic The confessions of judgment before the courts were merely incidental; they wer doubtless resorted to by the defendants as being the more expeditious way to term nate the discomfiture and expense attendant upon such a complete exposure of bol and questionable transactions.

Your committee therefore report the bill with the following amendment, viz: I lieu of the words "twenty-one thousand seven hundred and seven dollars and seventy two cents," insert the words "ten thousand eight hundred and fifty-three dollars an eighty-six cents."

This last-named sum represents one-fourth of the net amount collected and pai into the National Treasury growing out of the efforts of the claimants, and which the are equitably entitled to under the provisions of section 3090 of the United Stat Revised Statutes before mentioned.

With this amendment, we recommend the passage of the bill.

Your committee therefore report the bill back to the Senate, wit the recommendation that a bill, the same as reported from the Commit tee on Claims of the House of Representatives, be adopted as a substi tute for Senate bill No. 1693, and that Senate bill 1693 be indefinitel postponed.

In deference to the manifest wish of our late brother Senator, we rec ommend the early consideration and passage of the accompanying sub stitute bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 536.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. FAIR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1876.]

The Committee on Claims, to whom was referred the bill (S. 1876) for the relief of Piromis H. Bell, administrator of Marcus A. Bell, deceased, and others, having considered the same, submit the following report:

This bill provides for the payment to the administrator of the estate of Marcus A. Bell, $120; to H. C. Shafard, $844.80; to James H. Burgess, $300; to the estate of James M. Gee, $114; to Mrs. Penelope Rawlings, $45; to Mrs. M. E. Hagan, $105.

The claims are all for rent and are, with one exception, supported by original vouchers signed in duplicate by the claimants, and the proper Army officers certifying that the United States is indebted to the claimants in the amounts named therein.

On the voucher of James H. Burgess, however, no amount is stated, but there is this indorsement: "This building was taken without any rent being agreed upon." Accompanying the voucher there is evidence that the building was rented at the rate of $30 a month, both before and after its occupancy by the United States.

The committee think it reasonable for the United States to pay at the same rate for the five months the building was in its possession.

All these accounts have been presented to the Third Auditor of the Treasury for settlement, but have been disallowed because the act of February 21, 1867 (14 U. S. Stat. L., p. 397), prohibits their settlement.

This committee have reported favorably on all such claims (Senate Reports No. 159 and No. 181, this session).

There is no evidence before the committee in the claim of Mrs. M. E. Hagan, and they therefore recommend that the bill be amended by striking out in the eighteenth line the words "To Mrs. M. E. Hagan, $105," and when so amended that the bill do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 537.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. PIKE, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 1464.]

The Committee on Claims, to whom was referred the bill (H. R. 1464), for the relief of David Webster, having considered the same, submit the following:

This claim has been presented to the House of Representatives at the present and former Congresses and favorable reports made thereon.

The following is the report of the House Committee on Claims made at this session, and is House Report No. 154, which the committee adopt. It recites the evidence also:

The Committee on Claims, to whom was referred the memorial of David Webster for payment of fees as a witness before the Committee on Expenditures in the War Department, submit the following report:

The facts in this case were inquired into and fully stated in favorable reports made by the Committee on Claims of the Forty-seventh and Forty-eighth Congresses, respectively, the latter of which reports we adopt, and which is as follows:

David Webster, of Concord, N. H., on the 20th day of March, 1876, was duly summoned to appear forthwith before the House Committee on Expenditures in the War Department, of which committee the Hon. Hiester Clymer was chairman. Mr. Webster happened to be in the city at the time of the service of the subpœna, but was the next day intending to leave for his home in New Hampshire. He reported to the committee in obedience to the summons, and was informed by the chairman of said committee that he must remain in attendance upon said committee until his testimony was given, and that he must not depart without leave. In obedience thereto he remained, reporting nearly every day to said committee, until the 7th of April, 1876, when he gave his testimony. (See Report 799, first session Forty-fourth Congress, on "The Management of the War Department," pp. 415 to 422.)

After he had testified he requested to be discharged, but the chairman of committee informed him that he would again be wanted. He remainded in constant attendance upon said committee until the 8th day of July, 1876, when his papers, which were taken by the committee at the time he gave his testimony on the 7th of April before mentioned, were returned to him, and Mr. Clymer, the chairman of the committee, told him was discharged.

The evidence shows that Mr. Webster had been in attendance as a witness one hundred and ten days when he was discharged. He claimed pay for that perion of time and also for his travel from Concord, N. H., to the city of Washington, 536 miles. He was allowed for attendance only from the 20th day of March to the 5th day of April, twelve days, at $4 a day, $48, and for five days more, at $3 a day, $15, making $63 in all, with no allowance for travel.

It appears that Mr. Webster objected to receiving this amount, but finally took the money, protesting that he was entitled to his lawful fees for the full time and for his travel in addition.

On the 13th of June Mr. Webster addressed the following letter to Mr. Clymer, the chairman of the committee:

WASHINGTON, *June* 13, 1876.

To the Hon. H. CLYMER,

Chairman War Department Committee of Investigations, House of Representatives:

DEAR SIR: The undersigned most respectfully asks to be discharged as a witness in cases now under investigation before your honorable committee, if in your opinion there is not a positive necessity for being longer detained. I further desire to have my papers returned that your honor stated would be returned to me when I was no longer needed as a witness by your committee.

Be so good as to order an immediate settlement, that I may not be detained from my home in Concord, N. H., any longer than is absolutely necessary.

I am, very truly, yours, &c.,

DAVID WEBSTER.

And in response thereto he was notified by Mr. Clymer that he could not be discharged until further notice. Hence he remained until the 8th day of July, 1876, as before stated.

The memorialist says that at the same time Hallett Kilbourn, esq., was confined in the Capitol for contempt, and that he felt obliged to remain in attendance during the long period he did remain, fearing that if he disobeyed the subpœna he might be dealt with the same as Kilbourn.

Your committee are of opinion that witnesses, when summoned to attend before committees of the House by its authority, and who obey the subpœna by actual attendance, as the claimant did in this instance, are entitled to their pay.

Previous to March 29, 1876 (see House resolution passed March 31, 1872), witnesses summoned to appear before the House or its committees were entitled to fees as follows: $4 per day for attendance and 5 cents per mile for travel in coming to or going from the place of examination. On said 29th of March the following resolution was adopted by the House of Representatives:

"The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of $3; for each mile he shall travel in coming to or going from the place of examination, the sum of 5 cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial."

In this case Mr. Webster resided several hundred miles from Washington; he was here upon expense the whole time, and your committee recommend that he be paid the lawful fees for the one hundred and ten days, being $339, and his lawful fees for travel from this city, where he was summoned, to his home, at Concord, N. H, being 536 miles, at 5 cents per mile, amounting to $26.80 for travel, total $365.80; deducting from which sum the $63 already paid, leaves $302.80 his due, and we report the accompanying bill in order that he may be paid, and recommend its passage.

APPENDIX.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

The undersigned, your memorialist, David Webster, of Concord, N. H., respectfully represents that he was summoned as a witness on the 30th day of March, 1876, to appear forthwith before the Committee on Expenditures in the War Department of the House of Representatives, of which the Hon. Hiester Clymer was chairman, and a copy of the summons is hereto annexed.

In accordance with the command in said summons, the undersigned, on the 21st day of said March, appeared before said committee, and was instructed by the said chairman of said committee to remain in Washington, subject to the call of the committee.

On the 4th day of April, 1876, said chairman notified your memorialist to appear before said committee on the 7th day of said April, and in accordance with said notice your memorialist attended before said committee at the time named and gave his testimony. A copy of said letter is hereto annexed. Your memorialist then asked of the said committee a discharge as such witness, in order that he might return home to Concord, N. H. He was ordered not to leave Washington on any account, as he was needed further as a witness, and if he should leave without first being discharged as such witness he would be punished for contempt, and imprisoned the same as Kilbourn, who was adjudged to be in contempt for not answering questions.

Your memorialist remained in Washington to answer to the call of said committee till the end of one hundred and ten days. Your memorialist repeatedly urged upon

the chairman of said committee his discharge as such witness, from the 1st of May, 1876, till his final discharge, but was always denied his discharge. On the 13th day of June, 1876, your memorialist addressed a note to the committee urging his discharge as a witness; but said chairman replied that your memorialist must not leave, for the committee had not got through with him. A copy of said note is hereto annexed.

Your memorialist respectfully submits that he is entitled by law to the sum of $440 as a witness before said committee on said summons, and he has received on the same the sum of $63 only. Annexed to this memorial is a copy of the voucher on which said $63 was paid.

Your memorialist respectfully claims that he is entitled lawfully to his fees for travel from Concord, N. H., to Washington and return, and to $440 for his attendance as a witness one hundred and ten days, less the $63 represented by said voucher.

Your memorialist very respectfully asks that an appropriation be made by Congress to pay said claim.

DAVID WEBSTER.

DECEMBER 9, 1880

STATE OF NEW HAMPSHIRE,
Merrimack, ss:

Then personally appeared David Webster and made solemn oath that all the matters that are stated as facts in said memorial he knows to be true. Before me.

HENRY P. ROLFE,
Justice of the Peace.

By authority of the House of Representatives of the Congress of the United States of America.

To JOHN G. THOMPSON, Esq.,
Sergeant-at-Arms, or his Special Messenger:

You are hereby commanded to summon David Webster, No. 237 Pennsylvania avenue, Washington, D. C., to be and appear before the Committee on Expenditures in the War Department of the House of Representatives of the United States, of which the Hon. Hiester Clymer is chairman, in their chamber in the city of Washington forthwith, then and there to testify touching matters of inquiry committed to said committee, and he is not to depart without leave of said committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 20th day of March, 1876.

[L. S.] M. C. KERR, *Speaker.*

Attest:
GEO. M. ADAMS, *Clerk.*

I certify the within to be a true copy of the original subpœna.

JOHN G. THOMPSON,
Sergeant-at-Arms, House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 4, 1876.

DEAR SIR: You will please attend a meeting of the Committee on Expenditures in the War Department to give testimony, on Friday, the 7th of April, at 12 m.

Very truly, yours,

HIESTER CLYMER.

DAVID WEBSTER, Esq.,
237 Pennsylvania Avenue.

House of Representatives of the United States to David Webster.

For attendance as a witness before the committee of the House of Representatives investigating expenditures in the War Department, from the 20th day of March, 1876, to the 5th day of April, 1876, twelve days, at $4	$48
Five days, at $3	15
	63

Approved:

HIESTER CLYMER,
Chairman.

187-. Received of Mr. George Adams, Clerk of the House of Representatives of the United States, ——— dollars in full of the above account.

——— ———.

I certify the above to be a true copy.

INGHAM CORYELL.

CITY OF WASHINGTON,
District of Columbia, ss:

Personally came before me, James A. Main, a notary public in and for the city and District aforesaid, David Webster, who, being duly sworn, deposes and says as follows:

I am a resident of the city of Concord, in the State of New Hampshire. I came to the city of Washington in January, 1876, to prosecute a certain claim before the Committee on Appropriations of the House of Representatives, but after waiting a couple of months, and learning that it was not at all probable that said committee would take any action in the premises, I relinquished the matter, and on or about the 20th of March, 1876, prepared to return to my home in the city and State aforesaid, and intended to leave Washington on the morning of March 21, 1876; but at about midnight on the 20th of March I was called from my bed and served with a summons to appear as a witness before the Committee on expenditures in the War Department.

The next morning I called at the House committee-room at the Capitol to see Mr. Clymer, chairman of the committee, and told him that I was anxious to return to my home, but he answered that I could not go until the committee discharged me; that I must hold myself in readiness to appear before the committee at any moment.

On the 4th day of April, 1876, I received a note from Mr. Clymer, chairman of the committee, requesting me to appear on the 7th of that month before the committee to give testimony, and I went on that day and testified. After I had testified before the committee, I asked Mr. Clymer if I might then leave the city and return to my home, and again he answered that I must not go until the committee discharged me, but to hold myself in readiness to appear again before the committee at a moment's notice from him, as "you will again be required after certain witnesses (naming them) have been examined." I waited until the month of May, and not having been discharged I consulted Lawyer Jordan about the matter and requested him and others to have me released from further attendance before the committee, but they met with no success. I frequently saw Mr. Clymer and made the same request of him, but he said my papers that had been offered in evidence had not been printed, and that I would be wanted again.

Some time in the month of June I caused to be written a letter to Mr. Clymer, asking for my discharge as a witness before the committee, the receipt of which he personally acknowledged, and told me I should be fully and well paid for my attendance, as my per diem would be $4, unless he should discharge me and resummon me. And so I remained, to the neglect of my business at home, until about the 8th day of July, 1876, when my papers were returned to me, and Mr. Clymer told me I was discharged then from further attendance before the committee. I was then offered the sum of $63 as payment for my attendance before the committee, but declined to receive it until I should consult Mr. Jordan, my attorney. He told me to receipt the $63, as it would not prejudice my claim for witness fees for the entire period from the date I was summoned until the day I was discharged, and so I accepted the same, and on the 11th day of July, 1876, started for my home. During this entire period I was here at considerable expense to myself, and anxious to return home, but was detained by Mr. Clymer.

DAVID WEBSTER.

Subscribed and sworn to before me this 4th day of May, 1882.
[SEAL.] JAMES A. MAIN,
Notary Public.

I, James M. Burnham, of Hopkinton, in the county of Merrimack and State of New Hampshire, on oath say: That I was a Capitol watchman in Washington, D. C., during the spring and summer of 1876. About the 20th of March of said year, Mr. David Webster, of Concord, N. H., informed me that he had been summoned as a witness to appear before the House Committee on Expenditures in the War Department, the chairman of which was the Hon. Hiester Clymer, of Pennsylvania, and for weeks and months following I almost daily met said Webster in and outside of the rooms occupied by said committee for purposes of investigation, and had assurances both from the said Webster and others, in whom I had confidence, that the said Webster was holding himself in readiness as a witness pursuant to orders from said committee.

The said Mr. David Webster being then as now a resident of my own county and State, with whom I was on quite intimate terms, I kept myself well informed as to what was done by said committee, especially that portion of it relating to said Webster. Many times in said committee-room I have seen said Clymer and Webster engaged in conversation; and about the 1st of July, 1876, I heard said Clymer, near the door of the said committee-room, demand of said Webster that he should remain in Washington till discharged—that he (Webster) must not leave the city without his permission. A few hours before said Webster left Washington for home (about July 13, 1876) he angrily and bitterly complained to me concerning the refusal of Mr. Clymer to pay him the entire sum due him as a witness, and said he should leave

a Washington attorney at law, for collection, a bill in full for everything due
is a witness. I am not interested in this claim sought to be established.

JAMES M. BURNHAM.

scribed and sworn to before me this 27th day of December, 1881. The affiant
person he represents himself to be, and is a credible witness. Witness my hand
eal this 27th day of December, A. D. 1881.

AL.] JOHN F. JONES,
Notary Public.

R. W. Browning, of Washington, D. C., being sworn, do depose: That in the
g of 1876 I became acquainted with Mr. David Webster, of New Hampshire. I
ne aware of the fact that he was a summoned witness before the Committee of
House of Representatives on Expenditures in the War Department; that I was
ular attendant of the sessions of the committee when taking testimony; that I
Mr. Webster nearly every day awaiting to give in his testimony; that I called
the Hon. Hiester Clymer, at the request of Mr. Webster, and requested the said
er to call Mr. Webster as soon as possible, as he was very anxious to get away
Washington; that I was present when Mr. Webster gave his testimony; that in
to the inquiry of Mr. Webster as to being at liberty to leave the city, the chair-
Mr. Clymer, said, "No; we are not done with you yet;" that I saw Mr. Web-
after that in the committee-room and outside, and in reply to my inquiries he in-
d me that he was still awaiting discharge; that I met him the day of his dis-
e at the Capitol, when he informed me that Mr. Clymer had just discharged him
lay (some time in July, 1876).

R. W. BROWNING,
331 *Missouri Avenue.*

scribed and sworn to before me this 3d day of May, A. D. 1882.

AL.] JAMES A. MAIN,
Notary Public.

OF WASHINGTON,
District of Columbia, ss:

rsonally came before me, James A. Main, a notary public in and for the Dis-
aforesaid, I. Parker Jordan, who, being duly sworn, deposes and says as follows:
ave been personally acquainted with Mr. David Webster since the spring of the
1876; that my first knowledge of, or acquaintance with, said David Webster was
he was in attendance before the Committee on Expenditures in the War Depart-
of the House of Representatives as a witness; that in May, 1876, the said David
ster came to me and stated he was in attendance as a witness before said commit-
f the House, and was anxious to be released from further attendance thereon in
that he might return to his home in New Hampshire, and to that end wished my
tance; that between the time of the coming to me of the said David Webster
the 7th or 8th day of July, 1876, I frequently called personally on Mr. Clymer,
man of said committee, and requested the discharge of said David Webster from
er attendance as a witness before said committee, but that the said Mr. Clymer
man of said committee, positively declined at each interview to discharge the
Webster, and positively forbade him to leave the city of Washington until he
discharged; that on or about the 7th or 8th day of July, 1876, I called on Mr.
er, chairman of said committee, and again requested the discharge of the said
d Webster, whereupon the said Mr. Clymer told me he would, on the next day
after, discharge the said David Webster from further attendance before said com-
e, and I so informed said David Webster; that on the next day thereafter, to
on or about the 8th or 9th day of July, 1876, the said David Webster called on
t my law office in said city, and stated to me that the clerk of the committee de-
to pay him but for a small portion (I forget how much) of the time that he had
in attendance before said committee as a witness, and that he intended to leave
ity without accepting the amount that had been offered him, and return to his
; that as a lawyer I advised said Webster that the acceptance of the amount
had been tendered him would by no means prejudice his claim for fees for the
e period of more than one hundred days that he had been in attendance before
committee; and that upon this advice the said David Webster accepted a cer-
um of money, but how much I do not now remember, and left for his home im-
ately.

I. PARKER JORDAN.

scribed and sworn to before me this 3d day of May, 1882.

AL.] JAMES A. MAIN, *Notary Public.*

he committee think the claim is just and recommend the passage of
bill.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 538.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. PIKE, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2136.]

The Committee on Claims, to whom was referred the bill (S. 392) for the relief of Edward Fenlon, having considered the same, submit the following report:

This claim was sent by the House at the last Congress to the Court of Claims under the act of March 3, 1883, commonly called the Bowman act, to find and report the facts. The findings of fact of that court constitute the appendix to this report.

It appears from those findings that the claimant in January, 1879, entered into a contract with the chief quartermaster of the Department of the Missouri for the transportation of military supplies from Alamosa to Fort Lewis, Colo.

This claim has been considered by the House Committee on Claims of the present Congress, the report of which committee (House Report No. 334) your committee adopt, and of which the following is a copy:

(1) It appears that said contract between claimant and the United States contains the following provisions, to wit:

"ART. 12. That, for and in consideration of the faithful performance of the stipulations of this agreement, according to the true intent and meaning thereof, the said party of the second part shall be paid at the office of the chief quartermaster of the Department of the Missouri, or by an officer to be by him designated for the purpose, in the legal currency of the United States, at the rate of $2.05 per 100 pounds for the whole distance from Alamosa, Colo., to Fort Lewis, Colo., which is hereby stated and agreed to be 88 miles." * * *

"Transportation will in all cases be paid according to the distance from the place of departure to the place of delivery, the distance to be ascertained and fixed by the chief quartermaster of the Department of the Missouri, and in no case to exceed the distance by the shortest practicable route." * * *

(2) That 88 miles, as the distance between Alamosa and Fort Lewis, was based upon representations of the officer of the Quartermaster's Department, who, on behalf of the United States, entered into said contract with claimant, to the effect that by the middle of summer, and in season for the transportation of the military supplies by the claimant, the chief engineer officer would open a new road between Alamosa and Fort Lewis, the distance of which, as surveyed, was 88 miles; that the United States failed to open said new road for the transportation of said military supplies by the claimant.

(3) Notwithstanding the failure to open said new road, the claimant was required by the officer of the Quartermaster's Department to transport 386,157 pounds of supplies over what was known as the Conejos cut-off, the distance via which, ascertained and fixed by the chief quartermaster of the Department of the Missouri, was 105 miles; that during the late fall and winter of 1879 and 1880 said cut-off was impracticable for the transportation of said supplies by reason of deep snow in the mountain gorges; that, while said cut-off was thus blocked by snow, the claimant was required by the officers of the Quartermaster's Department to haul 178,219½ pounds of military

supplies by the then only practicable road, a distance of 234 miles, as ascertained and fixed by the chief quartermaster of the Department of the Missouri.

(4) That, on the 15th of September, 1879, the claimant notified said quartermaster, in substance, that the new road provided for in the contract had never been opened, and that he would be compelled to transport said supplies by a longer route, and that he should expect to be paid for the haul "from place of departure to place of delivery." In reference to this notification, the Quartermaster's Department, acting for the United States, agreed that claimant was entitled to be paid from place of departure to place of delivery, and sought to have him so paid; that again, on the 19th of December, 1879, the claimant notified said chief quartermaster that the ordinary road had for more than a month been rendered impracticable, by reason of deep snows, for transporting said military supplies, and that he had been compelled to haul the supplies more than double the distance, by the only practicable route, and requested to be paid for distance necessarily traveled; that said officer agreed that said claimant was entitled to be paid as claimed.

(5) The Court of Claims found that the amount for transporting the supplies 88 miles, at $2.05 per 100 pounds, would be as follows:

386,157 pounds 88 miles equals	$8,142 79
178,219¼ pounds 88 miles equals	4,292 60
Total	12,435 39

This amount was paid to the claimant. The Court of Claims found that, if the claimant was allowed for the distance "from place of departure to place of delivery" by the nearest practicable route at the contract price of $2.05 per 100 pounds, he would have been entitled to the following:

386,157 pounds 105 miles equals	$9,647 96
178,219¼ pounds 234 miles equals	11,415 41
Total	21,063 37

That the claimant was only allowed and paid the sum of $12,435.39, on the basis that the military supplies were only transported 88 miles, thus leaving a difference of $8,627.98 between the amount paid claimant and that which would be due him if paid for the distance which the supplies were transported by the shortest practicable route, as fixed and ascertained by the chief quartermaster of the Department of the Missouri.

The committee are satisfied that said amount of $8,627.98 should be paid the claimant, Edward Fenlon, and herewith submit a substitute for bill H. R. 690, the passage of which the committee recommend, and that the original bill do lie upon the table.

Your committee report herewith a substitute for S. 392, with the recommendation that it do pass, and that bill S. 392 be indefinitely postponed.

APPENDIX.

FINDINGS OF FACT BY COURT OF CLAIMS.

In the Court of Claims, Edward Fenlon *vs.* The United States, No. 129, Congressional case.

At a Court of Claims held in the city of Washington on the 27th day of April, A. D. 1885, in the cause aforesaid, the court filed findings of fact, and it was ordered that a copy duly certified be reported to the Committee on Claims of the House of Representatives, together with a copy of this order.

BY THE COURT.

Findings of fact filed by the court April 27, 1885.

This case, referred to the court by the Committee on Claims of the House of Representatives, May 23, 1884, under the act of March 3, 1883, ch. 116 (22 Stat. L., 485), having been heard by the court, the Attorney-General, by his assistants, appearing for the defense and protection of the United States, as required by said act, the court, upon the evidence, finds the facts to be as follows:

FINDINGS OF FACT.

I. On the 2d day of June, 1879, the claimant, Edward Fenlon, entered into a contract in writing with Colonel Rufus Saxton, deputy quartermaster-general and chief quartermaster Department of the Missouri, acting on behalf of the United States, for transportation of military supplies on route seven during the fiscal year ending June 30, 1880; and that among the provisions of said contract are the following, to wit:

"ART. 12. That for and in consideration of the faithful performance of the stipulations of this agreement, according to the true intent and meaning thereof, the said party of the second part shall be paid at the office of the chief quartermaster of the Department of the Missouri, or by an officer to be by him designated for the purpose, in the legal currency of the United States, at the rate of $2.05 per 100 pounds for the whole distance from Alamosa, Colo., to Fort Lewis, Colo., which is hereby stated and agreed to be 88 miles." * * *

"Transportation will in all cases be paid according to the distance from the place of departure to the place of delivery, the distance to be ascertained and fixed by the chief quartermaster of the Department of the Missouri, and in no case to exceed the distance by the shortest practicable route." * * *

II. That the distance of 88 miles between Alamosa and Fort Lewis, Colo., was based upon the representation of the officer of the Quartermaster's Department, who, on behalf of the United States, entered into said contract with the claimant; that Lieutenant Ruffner, chief engineer officer, would, by the middle of the summer, and in season for the transportation provided for, open a new road between said places, the distance via which, as surveyed, was 88 miles.

III. The new road mentioned in the second finding was not opened, and was not at any time during the continuance of said contract made practicable for the transportation over it of the supplies which were transported under said contract.

IV. The claimant was required by the officer of the Quartermaster's Department, within the time covered by the contract, and when such route was practicable, to transport 386,157 pounds of supplies by a route known as the Conejos cut-off, the distance via which route was ascertained and fixed by the chief quartermaster of the Department of the Missouri at 105 miles.

V. The value of the transportation service performed and specified in the fourth request, according to the distance from the place of departure to the place of delivery, as ascertained and fixed by the chief quartermaster of the Department of the Missouri, at the rate of $2.05 per 100 pounds for 88 miles, is $9,647.96, and the amount actually paid the claimant for said service is $8,142.79.

VI. During the late fall and winter of 1879 and 1880 the Conejos cut-off was an impracticable route for transporting said supplies, by reason of the deep snow in the mountain gorges, and during that time the claimant was required by the officers of the Quartermaster's Department to transport 178,219¼ pounds of military supplies via the route known as Ojo Caliente and Tierra Amarilla, which was the only practicable route for such transportation, the distance via which route was ascertained and fixed by the chief quartermaster of the Department of the Missouri at 234 miles.

VII. The value of the transportation service performed and specified in the sixth finding, according to the distance from the place of departure to the place of delivery, as ascertained and fixed by the chief quartermaster of the Department of the Missouri, at the rate of $2.05 per 100 pounds for 88 miles, is $11,415.41, and the amount actually paid the claimant for said service is $4,292.60.

VIII. On the 15th of September, 1879, the claimant notified the chief quartermaster of the Department of the Missouri, in substance, that the new road which was to be opened for the transportation of supplies under his contract—the distance via which was stated in the contract at 88 miles—was not opened, and was not likely to be opened, in consequence of which he was compelled to transport said supplies by the old and longer route, and that he should expect to be paid according to the distance from the place of departure to the place of delivery.

IX. The officers of the Quartermaster's Department, acting for and on behalf of the United States in this transaction, in response to this notification, agreed that the claimant was entitled to be paid according to the distance from the place of departure to the place of delivery, and sought to have him so paid.

X. On the 20th of December, 1879, the claimant notified the chief quartermaster of the Department of the Missouri that the ordinary route of transportation had for more than a month been rendered impracticable, by reason of deep snows, for the transportation of supplies, and that he had been compelled to make a detour of more than double the distance, which detour was the only practicable route between the two points, and requested to be paid for the necessarily greater service, and said officers agreed that the claimant was entitled to be paid as claimed.

XI. The Second Comptroller of the Treasury refused to authorize the payment to the claimant for the supplies transported via the Conejos cut-off, specified in the

fourth request, of more than $8,142.79, and he also refused to authorize payment to the claimant for the supplies transported via the Ojo Caliente and Tierra Amarilla route, specified in the sixth request, of more than $4,292.60.

ORDER OF COURT.

APRIL 27, 1885.

Ordered, That a copy of the foregoing findings of fact, duly certified, be reported to the Committee on Claims of the House of Representatives, together with a copy of this order.

BY THE COURT.

A true transcript of record. Test this 9th day of January, 1886.
[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 539.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 502.]

The Committee on Claims, to whom was referred the bill (S. 502) for the relief of J. M. English—printed T. M. English—have had the same under consideration, and report as follows:

Richard Fitzpatrick was a citizen of Florida at the breaking out of the Seminole war, and owned a plantation at the mouth of the Miami River, in that State. The Indians destroyed his houses, crops, &c.. The military and naval forces soon thereafter took possession and established two military posts on the land owned by Fitzpatrick, viz, Fort Dallas and Fort Lauderdale; the former was military headquarters. These posts were occupied by the military and wood was cut from the lands of Fitzpatrick and used by the army.

Fitzpatrick first presented his claim to Congress by bill in the Senate during the first session of the Thirty-second Congress, and claimed $60,320, made up of the following items:

One hundred acres of sugar-cane, worth $100 per acre	$10,000
Thirty acres of corn and pumpkins, worth	1,200
Five acres of sweet potatoes, worth	500
Four thousand plantain and banana trees	4,000
Twelve acres of Bermuda arrow-root	500
Lime grove destroyed	2,000
One hundred cocoa-nut trees destroyed	500
Nursery of tropical fruit trees destroyed	2,500
Six hundred bushels of flint corn	1,500
One hundred head of hogs	1,000
Poultry, viz, ducks, fowls, turkeys, and guinea fowls	200
One large flat boat, 60 feet long (cost)	1,300
One clinker-built boat	120
One cedar boat	60
One schooner	1,500
One framed house	2,300
Two corn cribs	200
One kitchen	50
One poultry house	50
One hewed-log house	100
Twelve negro houses	1,600
One framed house, south side of Miami River	300
One framed house, smaller	100
Two framed houses and out-buildings, purchased from Lewis	2,500
Plantation tools, blacksmiths' tools, carts, plows, axes, hoes, grubbing-hoes, cooking utensils, &c	500
Furniture, bed clothes, books, &c	2,000

Three years' occupation of my plantation by the United States troops at Fort Dallas, Miami River	18,0
Forty thousand shingles	2
Three hundred cords of wood cut from my land, to the 1st of April, 1840, for the use of the United States steamers employed on the coast of Florida, at $6 per cord	1,8
Two hundred cords of wood cut from my land, at New River, for the United States steamboats, at $6 per cord	1,2
House and improvements, including fruit trees, wharf, &c., purchased of William Cooley, on Little River	2,5
	60,3

The Committee on Claims reported a bill for his relief (S. 431, Repo No. 234, that session), which passed the Senate, but was not acted c by the House.

A bill for his relief was again introduced in the Senate, and aga reported back favorably by the Senate Committee on Claims during tl Thirty-third Congress (S. 141, Report 49), and again passed the Senat

This Senate bill, together with all the papers in the case, was referre by resolution of the House of Representatives to the Court of Claim

The Court of Claims reported their findings of fact to the Thirty-fif Congress, first session, and recommended the payment of $12,000 compensation for rent of plantation and for wood used for fuel for troo and steamboats in the Government service.

Fitzpatrick was forced by the Indians to abandon his plantation; su sequently the Government built block houses, &c., upon the proper and the troops used about 100 acres of the abandoned lands for pastu This was the extent of the Government occupation. Some timber w cut by the troops and used for fuel. The quantity and value of this not proven clearly.

Five hundred cords is charged in the account at $6 per cord. Or witness (English) estimates the quantity at 2,000 to 3,000 cords; anothe (Cussans) places it at 1,200 cords; others estimate it at 50 cords pe month, but all disclaim any accurate knowledge.

Ex-United States Senator Mallory, in a letter to the chairman of th Committee on Military Affairs dated January 14, 1855, commentin upon a letter of Colonel Churchill's and speaking of the timber, says

It is a superior article for steamboats, and by what process he determines its val to be 50 cents a cord I am at a loss to imagine. Key West is the market and has alwa been the market for everything produced at the Miami or on the Keys, and wood h not varied in price there in fifteen years from $5 per cord.

In a statement by the same gentleman, dated February 12, 1858, whic was read as evidence in the Court of Claims by agreement, the follo ing language occurs:

I should think that, taking into consideration the facilities afforded at Fitzpatric place for supplying boats, the wood on the land growing ought to be worth at le $1 per cord, cut when this wood was cut.

John Costen swears that "said wood is worth in his district at lea $6 per cord."

General Jesup, Quartermaster-General, says:

As he could make no use of the land himself, and as the fuel was cut and haul by the troops, from $2,000 to $3,000 a year would, I should think, be ample compe sation for both.

The Court of Claims, after setting out the evidence before it, sums u its findings as follows:

Our opinion is, that the petitioner's claim is well founded. This private proper was taken for public use, and he is entitled to a just compensation therefor.

As to the amount of compensation, a general estimate made by a witness, who knows the premises well, and frequently visited them whilst in the occupancy of the United States, is all that can justly be required of the petitioner. Such a witness is Senator Mallory. We adopt his estimate.

We shall, therefore, report to Congress a bill in favor of the petitioner for the sum of $12,000, as compensation for the wood and the rent.

We cannot "adopt this estimate." Grazing the animals belonging to a command which had in the nature of things to depend upon natural pasturage for forage was not such occupation of the abandoned lands of Fitzpatrick as entitled him to compensation by the Government, and the item of wood taken is not so definite in quantity or value as to enable this committee to name any sum which should in fairness be paid by the Government to the legal regresentatives of Fitzpatrick.

On the other hand the evidence satisfies your committee that the quantity of wood cut was really not more than a few hundred cords, and that, standing in the forests of that remote region, it had little or no value.

Hence your committee report the bill back and recommend that it be indefinitely postponed.

H CONGRESS, } SENATE. { REPORT
st Session. } { No. 540.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

JONES, of Arkansas, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 410.]

Committee on Claims, to whom was referred Senate bill 410, *beg leave to submit the following report:*

ıis claim is for a balance of $4,622.42, alleged to be due upon an ı account for lumber furnished the Government at Gallatin, Tenn., ı March, 1864, to April, 1865, under a verbal contract, as plaintiff ns, with General Paine, who was in command at Gallatin.

ıe claim was presented to the Quartermaster-General, and payment ned about November 17, 1876, in accordance with the provisions of ct of Congress of July 4, 1864.

appears to have been placed in the hands of Col. James A. Ekin, ıty quartermaster-general at Jeffersonville, for investigation, and a ial agent, Cooper, was sent to Gallatin to examine the case. Upon report of the special agent, Cooper, and the deputy quartermaster-ɜral, the Quartermaster-General, in January, 1878, rejected the claim ıuse he was not "convinced that the stores were actually received ıken for the use of and used by the Army."

aimant, in presenting this case to Congress, says that he has been ·med that his claim "was favorably reported on by said agent and James A. Ekin, chief quartermaster, Department of the South, but notwithstanding said report," the Quartermaster-General decided nst him.

gent Cooper, after summing up the testimony taken by him, con-es as follows:

e following points are very conclusively established by the evidence:

That claimant had an agreement with General Paine and his quartermaster, C. W. Hunter, to furnish lumber for use at the post at Gallatin.

That wagon trains from Gallatin were sent to claimant's saw-mill three or four a month for a period of about one year, and the wagons loaded with lumber.

That claimant received pay for quantities of lumber furnished and delivered ipally while General Paine was in command of the post at Gallatin.

That claimant continued to furnish lumber to the military authorities at Galla-fter General Paine and Captain Hunter had been relieved from duty at said

e exact nature of the contract or agreement, the length of time it was to con-, and the quantity and quality of lumber to be furnished are not proven by the ence. The only means of ascertaining the quantities furnished and the quan-s paid for is by reference to claimant's account. The genuineness of this account re it is admissible as evidence in this case should, in my opinion, have been sworn r at least two disinterested witnesses. It is presented simply with the assertion laimant under oath that it is a true and correct copy.

* * * * * * *

he best citizens of Gallatin indorse claimant as a man of veracity.

I am informed that Capt. C. W. Hunter, who was post quartermaster at Gallat under General Paine, was dishonorably dismissed the service while on duty at G latin.

A reference to his returns for 1864, or up to the date of his dismissal, might thr some light upon this claim.

If the return of the different quartermasters in the ye: rs 1864 and 1865 do not sh any indebtedness of the Government to claimant for lumber received from him, I spectfully recommend that this claim be rejected. (Report, dated February 21, 187

Colonel Ekin, in his report dated February 24, 1877, after stating th claimant had doubtless furnished lumber, &c., but that no receipt vouchers, &c., were produced, concluded as follows:

An examination of the accounts of Captain Hunter, as well as those of his succe ors as post quartermasters, which are presumed to be on file in Washington, m throw some light on this claim. Claimant is reported as having been loyal duri the war. As no receipt or voucher, nor testimony of an ex-officer, enlisted man, person connected with the Army at the time, is filed with claim showing that the lu ber was taken and used for benefit of the United States service, its suspension is r ommended until such evidence is produced.

The Third Auditor of the Treasury reports that the records in h office show the following:

Voucher 145 D., June, 1864, 19,333 feet lumber, at 2 cents per foot (paid by Capt. C. T. Wing, June, 1864)	$386
Voucher 1 D., July, 1864, 9,191 feet lumber, at 2 cents per foot (paid by Captain Wing, July, 1864)	183
Voucher 13 D., July, 1864, 8,800 feet lumber, at 2 cents (paid by Captain Wing, July, 1864)	176
Voucher 53 D., August, 1864, 3,446 feet lumber, at 2 cents (paid by Captain Wing, August, 1864)	68
Voucher 19 D., December, 1864, 2,338 feet lumber, at 2 cents (purchased from J. A. Hodges, paid for by Captain Wing, May, 1865)	46

While claimant's account filed herein admits vouchers as follows:

March 18, 1864, voucher	$120
April 8, 1864, voucher	230
April 29, 1864, voucher	71
June 4, 1864, voucher	424
July 2, 1864, cash	30
July 2, 1864, voucher	183
July 16, 1864, voucher	176
September 25, 1864, voucher	350

R. D. Batchelder, on September 15, 1877, submitting a summary of th case to the Quartermaster-General, says:

It is a little remarkable that this claimant should wait eleven years to file for ov $4,000 if he considered that sum justly due him from the Government.

The testimony does not show quantities, but establishes the general fact that clai ant did furnish lumber as alleged. This is also established by the records, and th claimant admits payments of a much larger sum than we have discovered.

I am inclined to believe that this claim is built upon a transaction already full closed by settlement, and the witnesses knowing only general facts have been mi led into sustaining the charge herein made.

Upon the case as made up it appears that the Quartermaster-Gener rejected the claim because he was unable to say that he was "convinc that the stores were actually received or taken for the use of and us by the Army."

The strongest point for the claimant in the case is that the Gover ment officers state that he was regarded at Gallatin as a man of ver city, and he positively swears to the correctness of the account.

Claimant attempts to explain his not having any receipt for all th property by stating that, "your petition states that during the fulfil ment of the contract he repeatedly applied to General E. A. Paine an the quartermaster of the post named for payment of said account, b

was informed that they had no money to pay with, and payment was deferred from time to time until the close of the war, and his claim was never paid."

Against this stands the fact shown in his own account, that he did get vouchers from time to time, and these were received, too, at times when much larger sums were due him, if his statements are correct. He does not explain why vouchers were given for a given sum when a much larger one was really due. Under all the circumstances the committee are not "convinced that the stores were actually received or taken for the use of and used by the Army," and respectfully recommend that the bill be indefinitely postponed.

O

ONGRESS, } SENATE. { REPORT
Session. } { No. 541.

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1886.—Ordered to be printed.

NES, of Arkansas, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 586.]

mmittee on Claims, to whom was referred the bill (S. 586) for the of William H. Wymore, as administrator of the estate of Carey deceased, have had the same under consideration, and report as fol-

claim is based on an open account for the sum of $312.84, and owing is all the evidence submitted in support of the claim:

norable Representatives and Senators in Congress assembled:

petitioner, administrator of the estate of Carey Nall, who was the same and person as C. H. Nall, would beg to represent that a claim was filed by said ll, through his attorney, E. F. Rogers, in the Quartermaster General's Office, es taken by the Federal authority at Kansas City, Mo., and more fully set the accompanying bill of items, with prices attached to each, making in the e the sum of $312.84, and your petitioner would further represent that this account is believed by him to be just and true, yet under the rulings of termaster-General there are articles charged in said bill that he cannot allow ough bought for purposes necessary for the branch of the service for which e to be used, that of clothing spies to enter the enemy's camp. The claim ence is now on file in the office of the Quartermaster-General, United States d I now most respectfully ask your honorable body to take such action on n as will result in the estate receiving pay for the articles taken for the use nited States service, and enumerated in the bill already referred to, and your r will ever pray.

WILLIAM H. WYMORE,
Administrator estate of Carey Nall, deceased.

IBER 10, 1885.

KANSAS CITY, MO., *November* 30, 1861.

merchandise furnished Colonel Anthony, of Jennisons's regiment, for scouts, C. H. Nall.

hirts, $1 each	$4 00
cotton drawers, 50 cents each	6 00
annel drawers, $1 each	3 00
issimere coats, $12 each	120 00
hirts, $1.25 each	7 50
shirts, 75 cents each	4 50
fine pants, $6 each	60 00
ocket handkerchiefs, $1 each	10 00
olen socks	40
uck gloves	5 00
ives and forks, $2.50 each	5 00
otton socks, 16 cents	1 44
k vests, $5	15 00

9 fine silk vests, $3.50	$31 50
6 gum coats, $3	18 00
6 pair pants, $2	12 00
1 corduroy coat	6 00
1 vest	2 00
1 saddle blanket	1 50
	312 84

STATE OF MISSOURI,
County of Clay, ss:

I here certify that at probate court of the county of Clay aforesaid, on the 1st day of May, A. D. 1875, the following proceedings were had, as same appear of record therein, viz:

"The court approves the bond of William H. Wymore, as administrator of the estate of Carey Nall, deceased, and the letters of administration granted him by the clerk of this court upon the same in vacation, and orders both bond and letters be recorded."

I further certify that the said William H. Wymore is still administrator of said estate of Carey Nall, deceased.

Witness my hand and the seal of said court, this 9th day of November, A. D. 1885.

[SEAL] WILLIAM H. WOODSON,
Judge of Probate.

STATE OF MISSOURI,
County of Jackson, ss:

Before me, personally appeared William H. Wilson, of Ray County, Missouri, who states under oath that, in November, 1861, he was a clerk in the drug store belonging to D. Morris & Co., situated on Main street, between Fifth street and Missouri avenue, Kansas City, Mo., and adjoining the dry goods and clothing store belonging to C. H. Nall, now deceased, and that about the last of November, 1861, he was in the said store of C H. Nall when some soldiers came into the said Nall's store and claimed they belonged to Colonel Jennison's regiment, and among them was Colonel Anthony, of said regiment. He says he was not personally acquainted with said Anthony, but knew him when he saw him, and as he now remembers this same Colonel Anthony seemed to be in charge of the men; and said Anthony informed Nall's clerk (Nall being absent), J. P. Withers, that they wanted an outfit of clothing to dress some of his men in citizens' clothes for scouts and spies, and the said J. P. Withers sold them a lot of goods, mostly clothing; and the said Anthony said to Withers that he wanted the prices made low, as the goods should be paid for; and after the goods were sold and the bill made out for them, he, Wilson, says he heard said Anthony tell the said Withers to present the bill to Colonel Jennison, who would give him a voucher for the amount of the goods. He further states that the reason he remembers the facts connected with this transaction is that these same soldiers came first to the drug store where he was staying, but went directly into the store belonging to Nall, and, being intimate with Withers, he went into Nall's store and remained there while the soldiers were buying and selecting the goods; of course, at that time soldiers going into stores caused some excitement, but this transaction was done without any excitement, but just as ordinary transaction, but just a regular purchase without any compulsion of any kind; and he further states he is in no way interested in the claim of said C. H. Nall for pay for these goods, and his post-office address, Richmond, Ray County, Missouri.

WM. H. WILSON

Subscribed and sworn to before me this November 10, 1885. My commission expires May 4, 1888.

[SEAL.] ROBERT S. VIVIAN,
Notary Public.

STATE OF MISSOURI,
County of Jackson, ss

Personally appeared before me, a notary public in and for county and State aforesaid, Charlotte D. Nall, and, after being duly sworn, states under oath that she is the widow of the late Carey H. Nall, and the mother of six children born to said Carey H. Nall; that she has often heard her said husband speak of a certain claim he had pending in the United States Government, but don't remember what Department:

that it was for clothing taken from our store that we had at that time in Kansas City, Mo., and since my late husband died I found among his papers memorandum which is herewith attached indicating the items and prices.

CHARLOTTE D. NALL.

Subscribed and sworn to before me this 10th day of November, 1885, and I certify my commission expires May 4, 1888. I have no interest in this claim.

[SEAL.] ROBERT S. VIVIAN,
Notary Public.

KANSAS CITY, *November* 30, 1861.

United States Government to Nall & Moore, Dr.

4 undershirts, $1.25	$5 00	
1 dozen cotton drawers	6 00	
3 pairs flannel drawers, $1.25	3 75	
10 fine cassimere coats, $17	170 00	
6 linen shirts, $1.75	10 50	
6 cotton shirts, $1.25	7 50	
10 pairs fine cassimere pants, $7	70 00	
10 silk handkerchiefs, $1	10 00	
4 pairs woolen socks, 40 cents	1 60	
		$248 53
5 pairs buck gloves, $1.25	6 25	
2 sets knives and forks, $5	10 00	
9 pairs cotton socks, 25 cents	2 25	
3 fine silk vests, $7	21 00	
9 fine silk vests, $5	45 00	
6 gum coats, $4	24 00	
6 pairs gum pants, $2.50	15 00	
1 corduroy coat	8 00	
1 vest	4 00	
1 saddle blanket	1 50	
		137 00
1 cloth coat	17 00	
1 pair pants	5 50	
1 satin vest	6 00	
3 linen shirts, $1.75	5 25	
4 linen collars, 20 cents	80	
2 silk handkerchiefs, $1	2 00	
1 pair gum pants and cap	3 50	
1 cravat	75	
2 silk tassels, 75 cents	1 50	
1 coat	7 50	
3 yards jeans, 95 cents	2 85	
		52 65
		474 00

From all which it appears that this was an open account, supported by the testimony of one witness, who was not connected with the business, and who says the goods were bought, and vouchers were to be given. No voucher appears. The goods were not of a character needed by the Army; were not bought in the regular way. No claim was set up in the life-time of Nall, the principal; the introduction of this bill, December 15, 1885, seems to have been the first effort to collect this bill.

Thiscommittee recommend that the bill do not pass.

CONGRESS, Session. | SENATE. | REPORT No. 542.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

PLATT, from the Committee on Patents, submitted the following

REPORT:

[To accompany bill S. 380.]

ommittee on Patents, to whom was referred the bill (S. 380) for the f of Mrs. Henrietta H. Cole, have had the same under consideration, respectfully report:

t a similar bill was introduced in the House at the first session of rty-seventh Congress, referred to the Committee on Patents of ouse, and favorably reported by said committee.
report was as follows:

Cole is the inventor of an improvement in fluting machines, which was pat- 1866, and upon which a patent was granted for an improvement April 25, The committee are of opinion that the invention is valuable and useful.
g to the financial condition of Mrs. Cole she has not realized much profit from hine. She made a contract with C. H. Stevens, secretary of Blake & Johnson, ifacture two hundred and fifty of said machines, at $13 per machine. After for the manufacture and sale of said machines she realized only a small amount, 0 a machine. This transaction covered a period of two years.
58 she sold her interest in the patent to one William Bennett, who agreed to the sum of $11,000 and a royalty of $3 on each machine sold during the life of ent. Bennett executed his obligations to Mrs. Cole for the said patent, which ver paid.
a suit against Bennett, Mrs. Cole had to purchase the patent back from Ben- aying him the sum of $300 therefor. This resulted in heavy losses to the peti- n costs, attorney fees, and other expenses.
ation growing out of the sale of the patent, as above, continued until the for the improvement was issued in April, 1871. George Harris then manufact- re hundred machines for her, which she sold and realized $1 profit on each. ckford Knitting Machine Company made five hundred for her, on which she d, after cost of making and selling, $125. She also received $500 royalty from Towle & Unger. Messrs. Clark, Wilson & Co. had charge of the sale of the es, who claimed a loss of $3,000 on the ground that too much was paid for the cture of them, for which they brought suit, running the petitioner to cost and s.
ioner testifies on oath that after deducting all expenses, costs, &c., that she has d very little, if anything, for her invention in the way of profits. It is also at Mrs. Cole has been annoyed by infringements upon her patent, which have r a great deal of money as well as loss of time. She has one suit now pending York for infringing her patent.

orable reports were made by the House Committee on Patents of rty-seventh Congress at the second session thereof, and by the e Committee on Patents at the second session of the Forty-eighth ess.
avorable report has also been made by the House Committee on its at the present session. The facts in the case are as stated in

the report above quoted, and while in some respects this case doe belong to the exceptional class of patents usually recommended favor for extension, the committee, in view of the fact that the inv is a woman who has exercised a very considerable degree of inve genius, has made persistent efforts to introduce her patent, an met with expensive litigation, so that she has realized very litt her invention, on the whole, deem the case meritorious enoug the extension of the patent. They therefore recommend the passa the accompanying bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 543.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1292.]

The Committee on Pensions, to whom was referred the bill (H. R. 1292) granting a pension to Mrs. Kate Miller, have examined the same, and report favorably, and adopt the following House report:

That Joseph H. Miller, the husband of claimant, was a soldier who was first enrolled, August 24, 1861, as a member of Company I, Fifth Regiment New Jersey Infantry, and discharged per General Order 154, War Department; enlisting October 28, 1862, in Company D, Second United States Cavalry. He was discharged February 28, 1864, but re-enlisted on the same date and in the same company, serving until February 28, 1867, when he was discharged by reason of expiration of term of service.

That he filed an application for a pension June 15, 1880, alleging disability from a gunshot wound of left shoulder, received September 19, 1864, in the line of his duty at Winchester, Va., while a member of the last-stated company; that before any disposition was made of the claim, on December 6, 1880, he died, leaving his widow, Mrs. Kate Miller, who has since continued the prosecution of the claim.

That the records of the Adjutant-General's Office show his services as before stated; the time and place said gunshot was received; and that "Roll, September and October, 1864, reports him absent, wounded, since September 19, 1864, when company was engaged at Winchester, Va., on that date." "Roll, December 31, 1864, absent, sick at McClellan Hospital, Philadelphia (wounded)." "Since October 7, 1864, to February 28, 1865, on detached service at Dismounted Camp; April 30, 1865, absent, sick in hospital at Frederick City, Md., since April 7, 1865." "Rolls, October 31 and December 31, 1865, report him absent, sick in hospital at Baltimore, Md., since October 11, 1865."

That the medical testimony in the case shows him to have had, some time after his service aforesaid, severe pains in the left wrist, resulting from the gunshot wound of left shoulder, which gradually extended up the left arm to the left breast, down the side to the small of the back; that these pains became very acute and severe, extending even to the lumbar regions.

That the other testimony presented shows that this disability grew on him from year to year to such an extent that he was disabled fully and over one-half of his time, and at the time of his death, December 6, 1880, totally unfit to perform any manual labor.

That from a close perusal of the medical testimony presented it is shown that the health of Joseph H. Miller declined gradually from frequent attacks of supposed rheumatism or neuralgia, laying him up for weeks at a time; that the disability affected his spine, and that these attacks became more frequent each year until 1878, when he was totally disabled for two years, and then sought medical treatment from physicians other than his family physician, Dr. P. T. Lockwood; but, declining rapidly, died December 6, 1880.

Dr. P. T. Lockwood, of Crystal Springs, Miss., the attending physician, testifies, among other things, that the ball which inflicted this wound was never extracted; that he was satisfied at time of death, and still is of the opinion, that the nervous symptoms were from the effects of the old wounds, the ball in tracks or lodgment, as the case may be, producing lesions that gave rise to constant irritability of the nerve

center, under excitement of the circulating system, engorgement, and obstru the heart's action, and consequent disease of the large arteries.

Dr. P. T. Lockwood's testimony is very complete, he having had the soldie his treatment from the fall of 1869 until the date of his death.

This committee, considering the testimony presented them, and the charac soldier and citizen of said Joseph H. Miller, as abundantly testified to, the le time of his service, and that the testimony shows from the date of his receiv gunshot wound up to and until the time of his death he was a constant suffe said wound, recommend that the bill do pass.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 544.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3359.]

The Committee on Pensions, to whom was referred the bill (H. R. 3359) granting a pension to Henry S. Morgan, have examined the same, and report favorably, adopting the accompanying House report.

This case was before the Committee on Invalid Pensions during the Forty-sixth Congress, and the accompanying report made thereon, which your committee believe is a fair statement of the facts, and therefore adopt it as their report and recommend that the bill do pass.

It appears from the evidence in the case on file in the Pension Office that the petitioner was a private in Company D, First Regiment United States Infantry, enlisted June 16, 1866, and discharged on surgeon's certificate of disability April 1, 1874. His declaration for pension was filed June 1, 1874, alleging—

"That at Fort Snelling, Minn., by an accident, his left hand was crushed by a car-wheel, causing amputation about four inches above the hand; that when injured he was acting under orders of the sergeant of Company C, on detached duty, between Saint Paul and Fort Snelling, and was traveling alone on his return from Saint Paul to Fort Snelling to join his command."

The Pension Office rejected the claim June 24, 1875, on the ground, "Not in the line of duty at time of receiving injury; was absent on a pass."

The board of appeals, Interior Department, confirmed the rejection November 23, 1875.

The Adjutant-General's report for January and February, 1874, states claimant "present at Fort Snelling sick; nature of sickness not stated. Discharged April 1, 1874, at Fort Snelling, Minn., on surgeon's certificate of disability."

The certificate of disability gives as cause of discharge "loss of left hand, the result of an accident on the railroad when returning from being absent on pass to his post. This occurred 12th December, 1873. Disability total."

Capt. H. G. Thomas, of claimant's company, certifies that—

"December 12, 1873, claimant, returning from Saint Paul to Fort Snelling, fell under the railroad cars in such a way that one or more wheels passed over his left hand, entirely disabling it and rendering amputation necessary. Saw claimant immediately after the accident and he was perfectly sober."

William Damphier, first sergeant Company D, in his affidavit, states;

"Was present with the company at the time of claimant's accident; that a few days previous to the accident affiant had ordered claimant to dispose of his citizen's clothes, and that it was while returning from Saint Paul, Minn., where claimant says he disposed of his clothes, that he had his hand run over by the cars."

The examining surgeon of the Pension Office, A. Heger, M. D., December 12, 1873, found him disabled, as alleged, and the disability total.

There is a conflict of evidence in the case, but the preponderance of the testimony, besides the moral aspect of the case, is in favor of the claimant. He had served nearly eight years in the Army, which of itself is a very good certificate in his favor. The first sergeant of his company testifies favorably in his behalf; and Captain Thomas, who saw him immediately after the accident, says he was perfectly sober.

Your committee are in favor of giving this soldier a pension on the record, although the evidence submitted to the Pension Office may not have been sufficiently strong to authorize granting a pension there; and your committee report favorably upon the prayer of the petitioner, and recommend the passage of the bill.

CONGRESS, } SENATE. { REPORT
Session. } { No. 545.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 858.]

ıe Committee on Pensions, to whom was referred the bill (H. R. 858) ting a pension to Lucy J. Mitchell, have examined the same, and rt favorably, adopting the House report.

ɜph Mitchell, the husband of Lucy J. Mitchell, enlisted in Company I, Forty- ı Regiment of Kentucky Volunteers, and was duly commissioned as captain of ompany on the 5th day of October, 1863, and served as captain of said company November 12, 1863, when he died from brain fever and inflammation of brain, ı he contracted while in said service and in the line of duty.

y J. Mitchell, his widow, applied for pension on the 29th day of July, 1867, was rejected on the 13th day of September, 1875, on the ground that soldier ot in the service of the United States at the time he contracted the disease from he died, as shown by the Adjutant-General.

report of the Adjutant-General shows the facts, as set out in the second para- of this report, to exist so far as relates to enlistment, commission, service, and of the soldier, but decides that the soldier was not mustered, from the fact that, General Order No. 61, of 1861, from the War Department, "no person could be red into service as captain prior to the completion of company by its being mus- into the service, and the records show that said company was not mustered into rvice until after the death of the captain as aforesaid."

fact is well established, however, that said captain was actually and in good in the service of the United States, and on actual and *bona fide* duty as captain, the date of his said commission until the date of his death, and that his death ıcident to and caused by his said service.

ır committee recommend the passage of the bill with the following amendments, t: Insert after the word "late" and before the word "of," in the seventh line, ord "captain"; also, add after the word "laws" and before the word "the," in fth line, the words "governing pensions to widows of captains."

C

9TH CONGRESS, 1st Session. | SENATE. | REPORT No. 546.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3399.]

The Committee on Pensions, to whom was referred the bill (H. R. 399) granting a pension to Philip Wagner, have examined the same, nd report favorably, adopting the following House report:

We find that claimant enlisted November 13, 1861, and was discharged December 1862; that he afterwards enlisted June 5, 1863, and served until August 23, 1865; is first service being in Eighth Independent Ohio Battery, and his subsequent rvice in Second Ohio Heavy Artillery. November, 1883, he applied for a pension, leging chronic diarrhea, resulting in piles and kidney disease, contracted at Pittsrg Landing, May, 1862. This was rejected on the ground that he could not prove istence of disability at discharge, or for several years thereafter.

Claimant says:

"I was a green German when I enlisted; had been only three days in America. r knowledge of the English language was so limited I could not make my wants d wishes known."

The hospital records show that he was sick July and August, 1862—disability not ted—and that he was in hospital at Memphis, sick, November and December, 1862. s first discharge from service was in consequence of "repeated attacks of hemoptysis, ich will lead to pulmonary consumption." The hospital record also shows that he d typhoid fever during June, 1862.

Capt. J. F. Putnam, of the Eighth Independent Ohio Battery, testifies that—

"He thinks claimant sound at enlistment, as evidenced from his performance of ty in the battery until about the 1st of May, 1862, when he was attacked with diarea, complicated with piles and kidney trouble; was sent to field hospital; rejoined e regiment in the summer, but remained but a short time, his disease unfitting him duty, and he was again sent to hospital. I was acting as orderly sergeant and de out his papers."

Charles H. Schmidt says he knew claimant at enlistment; that he was to all aparances stout and healthy, and that he was taken sick just after the battle of Pittsrgh Landing. Adolph Schmidt testifies to the same state of facts, and adds he s the "picture of health when he enlisted." H. P. Lotee testifies that his condin since 1871 has been one of sickness from chronic diarrhea, kidney troubles, and les. Robert F. Adams testifies to the same.

Drs. J. Morgan and J. L. Jones treated him from 1877 until 1884 for the same dises; that he gradually grew worse, and had to give up work entirely.

The examining board at Independence, Kans., January 30, 1884, report: "That he disabled from manual labor; heart's action weak, rapid, and irritable; his disility is equal to the loss of a hand or foot. Entitled to a total third grade."

The evidence of the continuance of the disability from 1865 to 1870 is lacking. aimant testifies that during all of that time he was traveling around and working a journeyman tailor; that he employed no physician, but bought medicines; that was never free from the disease, though he was better after his discharge than hen he left the service. He also says that in 1867 he employed a man in Indiana to t him a pension; that he paid the man $75 upon his statement that he would have go to Washington to look after it for him, and he supposed, until informed to the ntrary, that he had an application for a pension on file. The evidence in the case ems to establish the origin of the diseases in the service, and the evidence of continance since 1871 is clearly shown, as is also the fact that he is entirely disabled now. Your committee recommend the passage of the bill.

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NGRESS, } SENATE. { REPORT
ssion. } { No. 547.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2939.]

ommittee on Pensions, to whom was referred the bill (H. R. nting a pension to Henry H. Green, have examined the same, rt, recommending passage of the bill, and adopt the following port:

that Henry H. Green was a member of Company E, Forty-fifth Regiment nrolled Militia; that said regiment was called into the service of the ites under General Order No. 19, of General Schofield. August 23, 1871, he ication for a pension, alleging disability from injury to hips; that while on arch from Macon City to Glasgow, Mo., about October 28, 1864, his horse and fell on him, seriously wounding and injuring both hips.

. W. R. Ledford, who commanded the company, testifies, June 1, 1872:

Henry H. Green was a private in said company; that while in the line of his said company was in actual service of the United States, on forced march n City, Mo., to Glasgow, Mo., during the "Price raid" in Missouri, when s of Roanoke, Mo., and on or about the 1st day of November, 1864, the said being mounted on horses and under fast speed, being a fast trot or gallop, upon which said Green was mounted blundered and stumbled and fell, falling over his head and on his back, and falling upon said Green, severely nd bruising him so that he was for several days entirely helpless, and he yed in a wagon to Roanoke, where he was left in charge of a citizen physi- se name I do not know. I know these facts from being at the time present in command of said company, and seeing said Green immediately after he irected how he should be conveyed, and although I did not see the horse a short distance away, yet from what I saw, and what was said at the all the circumstances, I am satisfied his injury occurred as I have stated. acquainted with said Green at the time, and some time before his enlist- about three or four years, and up to the time of his said injury he was a lthy man. I have known him ever since his injury, and know that he has ple to perform ordinary manual labor; his injury seems to be in his hips. ertificates of discharge were issued to members of said Enrolled Missouri vice; they were enrolled and organized under the orders of the governor of nd the commander of the Department of the Missouri, and when their serv- required they were placed in actual service by orders from the district or nt commanders of the United States forces, and when their services were needed they were relieved from actual service by the same authority. The any and regiment were relieved from duty by General Fisk in about four- after said Green was injured."

Williams testifies, in 1877:

a citizen of Putnam County, Missouri; I am thirty-seven years of age; I am practicing physician and have been engaged in the practice of medicine for fteen years; I am personally and well acquainted with Henry H. Green, the and have been so acquainted with him for the last fifteen years, and have amily physician during the period of ten years. I know of my personal e that he was a man of good, sound physical health, free from all injuries s and loins, prior to the time he enlisted in the Enrolled Missouri Militia in

the year 1862, and that he is now badly injured in the hips and loins, caused by mash, and has been so injured to my personal knowledge ever since he was discharg from said service in December, 1864."

Dr. W. C. Harvey, of Roanoke, Mo., testifies:

"I am personally acquainted with Henry H. Green, late a private in Company Forty-fifth Regiment Enrolled Missouri Militia, war of 1861–'65. On or about Octol 23, 1864, while said regiment was marching from Macon City, Mo., to Glasgow, Ho ard County, Missouri, to meet the Confederate forces then invading the State, t said Henry H. Green, near the said town of Roanoke, was thrown from his horse a had his hips and loins mashed severely. He was left by said regiment at the re dence of Robert Cornelius, now deceased, at the said town of Roanoke, under r treatment. I rendered him medical treatment for said injury for about ten days, wh he was removed to Macon City, Macon County, Missouri."

This case was rejected by the Department on the ground that the regiment to whi he belonged was a State organization. As the disability seems clearly proven, a Congress has invariably allowed cases of a similar character, your committee reco mend the passage of the bill.

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NGRESS, } SENATE. { REPORT
ssion. } { No. 548.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5234.]

mmittee on Pensions, to whom was referred the bill (H. R. 5234) a pension to Jesse H. Gaines. have examined the same, and commending passage of the bill, adopting the following House

nlisted May 25, 1861, in Company G, Second Michigan Volunteers; re-en- veteran December 31, 1863; was captured in action before Petersburg, Va., 864, and remained a prisoner of war until in April, 1865. Was mustered as nant May 2, 1865, and honorably discharged July 18, 1865.

mber 15, 1876, he filed an application for a pension on account of disease of kidneys. In support of his claim he filed a number of affidavits, to some reference should be made.

eorge Cook testifies to claimant's soundness up to date of capture, and to ealth upon return from rebel prison.

-Philip Schneider testifies that he met claimant in rebel prison at Danville, bruary, 1865, who then looked emaciated, and that he continued in very h during the remainder of his service.

linda Burt testifies that she was acquainted with the claimant for years be- listment; that he came to her house immediately after his release from n, at which time he looked so emaciated and was in such poor health that hardly recognize him.

Oliver testifies that he met claimant in the fall of 1865, at which time he e to perform manual labor.

t received no medical treatment while in the service, hence there is no the alleged disabilities. While at home on furlough, and subsequent to his t, he was treated by Dr. Badger, since deceased; consequently no treatment rior to 1868, since which time he has been under treatment for disease of Drs. Clark, Green, Bonine, and others, as appears from their several affidavits e. The fact that claimant was treated by Dr. Badger immediately after is shown, however, by the testimony of William J. Oliver, a gentleman of reputation, who states that he was informed by said doctor that claimant red from disease of heart.

lence not being deemed sufficient by the Pension Office to warrant favora- in the case, it was placed in the hands of a special examiner. The testi- en during the examination is of the highest character. The claimant as e witnesses enjoy excellent reputation.

timony establishes beyond a doubt that claimant was a sound man at time stment; that during his confinement in rebel prison his health became impaired; that upon his release he required medical attendance; that dis- art developed shortly thereafter, and that he has been a constant sufferer ever since.

istanding the special examiner's recommendation for the allowance of the was rejected upon the ground that there is no record, medical, or other sat- evidence of the origin of the disabilities in the service and line of duty or r other satisfactory evidence of their existence at discharge or prior to 1867. es is laid by the Pension Office upon claimant's admission that he did not

know until probably a year after discharge that he was suffering from disease of heart. Why this frank statement on the part of the claimant should prejudice his rights in the premises, when it is well known that hypertrophy of heart, the disease from which he is suffering, is slow of development, and may exist for years without its presence being known or its disabling influences being felt, your committee are unable to see.

The long and meritorious service of this gallant soldier, followed by long confinement in rebel prison, should not be lost sight of in the consideration of this bill, and while your committee fully agree with the Commissioner of Pensions, so far as his action affects the claim on account of kidney disease, yet we are fully convinced of the merits of the claim on account of heart disease, from which claimant is suffering in a great degree, as shown by the medical examinations in the case, and therefore report avorably on the bill and ask that it do pass, in order that he may receive the pension to which he is entitled for disease of heart contracted while in the military service of the United States.

NGRESS, } SENATE. { REPORT
ssion. } { No. 549.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

IR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4026.]

mittee on Pensions, to whom was referred the bill (H. R. 4026) ig a pension to Algernon S. Flagg, have examined the same, and :

committee adopt the very full statement of the evidence set the annexed report of the Committee on Invalid Pensions of se of Representatives (House Report No. 1191), indorse the con- therein reached, and recommend the passage of the bill.

n S. Flagg was captain of Company D, Thirty-seventh Massachusetts Vol- He enlisted September 2, 1862, and was discharged May 14, 1864. He sub- served as captain and assistant quartermaster volunteers from June 20, June 10, 1866. He filed an application for pension December 1, 1879, alleg- and fever, throat disease, and chronic diarrhea, with general prostration of stem.

y 25, 1884, he waived claim for chronic diarrhea and chills and fever, which laimed were historical and incident to the progress of his disease, nervous The claim was rejected August 2, 1884, on the ground that his present dis- rvous prostration, is not due to the service. The evidence in the case is s and exhaustive, and all tends to show that he was a sound, healthy man rvice, that while in service he performed his every duty promptly, even ring the latter part of which he had begun to break down from the effects diarrhea and malaria.

'. Green testifies that he has known claimant since 1860; was his family for a term of years. He was at the time of his enlistment a sound man. In , 1868, claimant consulted him and remained under his care for several At that time he was physically a wreck, compared with his former condi- e entering the Army. He was suffering from nervous prostration to an xtent, able to sleep but little, haggard and careworn to a degree that ren- well-nigh a fit subject for a lunatic asylum. Affiant believed then and ow that his troubles were produced by exposure and hardship while in the

H. Sears testifies that he has known claimant since 1854; saw him daily; ien possessed better health than said claimant up to the time he entered

'. Crehore, surgeon, Thirty-seventh Massachusetts Volunteers, testifies that know claimant prior to enlistment, but that the medical examinations for into claimant's regiment were made by him or under his direction; that to f his knowledge claimant was sound at the period of his enlistment. If it otherwise affiant would have known it and rejected him.

C. Shelton, first lieutenant of claimant's company, testifies to his soundness ntered the service; that in May, 1863, claimant contracted a severe cold sing the marshes or swamps at the battle of Salem Church that wet his that after the battle, when they arrived at Bank's Ford, 6 miles distant,

claimant complained of spasms of throat, seemed prostrate, and was frequently (ing the march to Gettysburg unable to keep up with his company; was seized v chills and fever soon after, also with chronic diarrhea, very much reducing strength.

Samuel Flagg, assistant surgeon, Twenty-fifth Massachusetts Volunteers, test claimant reported to him some time in December, 1863, at Galloupe's Island, Bo Harbor, for treatment; disability, spasmodic action of glottis, attended with gen debility. Claimant was unknown to affiant at that time. Claimant remained u the island until spring of 1864, when he left on transport for Alexandria. At t time gave claimant a certificate of disability, recommending him for a location l ter adapted for his health and condition. At the time claimant reported to him was using the usual remedies for chills and fever; the diarrhea attending had b checked by change of climate and diet. Affiant's treatment was directed to the m prominent disease—nervous debility—believing this to be the principal cause of disability and the spasmodic action of throat. At the time of claimant's retur the front affiant considered him in no condition to go and told him so, but as he determined to try his strength affiant gave him a certificate of disability.

In an affidavit filed in December, 1879, Dr. Flagg testifies that claimant is in m the same condition at present as when he was under treatment in the service; t he is disabled for the practice of his profession (dentist) or for any labor, eit mental or manual. Had not seen claimant since leaving Galloupe's Island until called for his affidavit.

Dr. G. C. Webber testifies:

"Have known claimant since 1875; his health has not been good; he has suffe from nervous debility, resulting from some obscure affection of the cerebral or cerebro-spinal nervous centers and slight paralytic symptoms."

Dr. W. H. Lincoln:

"Have known claimant since 1875; have seen him almost daily, and always c sidered him a broken-down man; that his condition was caused by hard work exposure while in service; have often prescribed for him, sometimes for nervous p tration and sometimes for paralysis of his limbs."

A. E. Brewer and F. W. Linton testify to about the same conditions; have kn claimant 20 and 25 years, respectively. Linton says he has been more intimately quainted with him since his brilliant military career; at one time he proposed t into the lumber business with claimant, but friends advised him not to do so, as cla ant was suffering from a nervous debility bordering upon insanity; knows claim to have been a thorough-going business man, but sees him to-day only a wreck of former self.

Senator Henry L. Dawes, of Massachusetts, in a letter dated March 29, 1879, s

"That he has a very clear recollection of the circumstances under which client mustered out of service in 1864; recollects he was all broken down and unable t active military service. Claimant was so anxious, however, to do something in war that he asked the Senator to procure him something to do which gave hi horse to ride; thinks it was a staff officer; cannot remember the rank; knew he not fit for active duty, but took the place that he might do something."

The board of surgeons at Worcester in their report say:

"He has been operated on for fistula in ano. He says he had spasms of the glot diarrhea, and intermittent fever in the Army, and partial loss of use of limbs; h shock three or four years ago, now has partial general paralysis; cannot sleep ni without anodynes; memory impaired, pain, and numbness, generally with dizzin and falling at times. His tongue is large and flabby, coated, and indented by teeth. He is excessively pale, anæmic, trembling, shuffling in gait, left leg atrophi and he walks lame. He is weak in body and intellect, affected, in our opinion, w general paralysis, the probable result of malaria, and he is unfit for any manual lab Disability total; second grade, $24."

Your committee, after a careful consideration of all the evidence in this case, lieve this claimant should be placed upon the pension-roll, and therefore recomme the passage of the accompanying bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 550.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H R. 4027.]

The Committee on Pensions, to whom was referred the bill (H. R. 4027) granting a pension to Sophia F. Bixby, have examined the same, and report:

Your committee indorse the conclusions reached in the following statement of facts set forth in the report of the House committee (House Report No. 1030), and recommend that the bill do pass:

Sophia F. Bixby is the mother of George A. Bixby, late a corporal in Company H, Twenty-fifth Regiment Massachusetts Volunteers, who enlisted about September 10, 1861, and re-enlisted as a veteran; was wounded and taken prisoner at Drury's Bluff, about May 16, 1864, and died while in hospital No. 21, connected with Libby prison, at Richmond, Va., July 1, 1864.

The mother applied for pension April 21, 1883, the father dying February 18, 1871. The claim was rejected on the ground of "non-dependence" at time of soldier's death, the earnings of the husband being deemed sufficient for the support of the claimant.

N. A. Lombard and Samuel A. Porter, Worcester, Mass., testify:

"In 1864 claimant's husband was in very feeble health, and only able to oversee his work, which was pattern-making; his income did not support his family; was aided by the wife and daughters, who have supported themselves ever since his death by their own efforts; he had no property in 1864, but in 1866 bought a small place valued at about $1,200, which was paid for by arrears due his son at the time of his death, which place claimant and her daughters still occupy."

Henry E. Cobb, Worcester, testifies:

"George A. Bixby was in my employ at the time of his enlistment and had been for about three years prior thereto; he lived with his parents, and carried from my store groceries, &c., for the support and use of the family amounting to not less than $18 per month, which were paid for from his salary."

Besides the soldier upon whom Mrs. Bixby claims dependence, she had another son, John Y. Bixby, who at the early age of seventeen years enlisted in Company H, Fifteenth Massachusetts Volunteers, August 3, 1861, and was engaged in all the battles of that command, including the battle of Gettysburg; after which he was detailed for the care of the wounded in the field hospitals, where he was taken sick, dying September 12, 1863, and was buried in the national cemetery at that place.

The following letter from Colonel Pickett, of the Twenty-fifth Massachusetts, to Hon. W. W. Rice, M. C., is herewith appended:

UNITED STATES POST-OFFICE,
Worcester, Mass., November 12, 1885.

DEAR SIR: I beg leave to submit my statement relative to George A. Bixby, who enlisted in Company H, Twenty-fifth Massachusetts Infantry, September 17, 1861. Corporal Bixby was a young man of twenty-two years of age when he entered the service. He was a man of excellent character and habits, a true, brave soldier, zealous and faithful in the discharge of every duty, and perfectly reliable under all circumstances. He was with the regiment through all its experiences, marches, and battles, until May 16, 1864, he fell mortally wounded at the battle of Drury's Bluff, Va., and within a few feet of where I was standing, and died a prisoner in Richmond,

Va., a few weeks after. His mother, Mrs. Sophia F. Bixby, is still living in this city, and there is no question whatever but that she was dependent for support upon her two sons, both of whom lost their lives in the United States service during the war of the rebellion. She should be granted a pension by all means.

Very respectfully,

J. PICKETT,
Late Colonel Twenty-fifth Massachusetts Infantry.

Hon. W. W. RICE.

This mother is now seventy-two years of age, and poor; she can be, at best, upon the pension-roll but a few years.

Your committee are of the opinion that the Government should aid this mother who gave up all she had in its defense—the lives of her two boys, who, if living to-day (and they might have been, possibly, were it not for their patriotism in answering their country's call, and at a time, too, when bounties were not offered as inducement), would, as good sons, cheerfully contribute to the support of their mother in her declining years.

In view of all the facts your committee recommend the passage of the accompanying bill.

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)ONGRESS, } SENATE. { REPORT
Session. } { No. 551.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

:AIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2145.]

ommittee on Pensions, to whom was referred the bill (H. R. 2145) he relief of Rebecca Eldridge, have examined the same, and report:

facts upon which relief is asked in this case are fully set forth, er with the evidence in detail, in the accompanying report of ›mmittee on Invalid Pensions of the House of Representatives e Report No. 330), which your committee adopt, and report back ill with a recommendation that it do pass, with the following ıment: Strike out the word "eight," in the sixth line, and insert ›rd "twelve" in lieu thereof.

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ar H. Eldridge was enrolled July 24, 1862, in Company G, Eighteenth Regi- .aine Infantry Volunteers. On the muster-rolls of that regiment, from its or- ion, he is reported "present for duty" until mustered out to date, June 21, ; Whitehall General Hospital, Philadelphia. Company and regimental records ndicate that he "was wounded in action at Hatcher's Run, Virginia, March), slight, in leg."

'rederick R. Swazey, examining surgeon, under date of March 19, 1865, testi- t he examined this soldier, who was an applicant for a pension, and that in ıion he was one-half incapacitated from obtaining his living by manual labor on of a gunshot wound in left leg; and also stated, as the result of that ex- ion, that the disability was "probably not permanent." Applicant was ›d five inches below the knee, from which wound he is slightly lame, and suf- .siderable pain.

. Cooley, examining surgeon, who again, April 21, 1880, examined this claimant, hat in his opinion he was *not* incapacitated from obtaining his subsistence by labor. "A careful examination disclosed a wound of calf of left leg at about ıle below its middle, the ball passing rather superficially through the muscles; ›e both the entrance and exit of the ball, but no adherent integuments. The f the same size of the right; no lameness, he says, unless *after long standing ıng a good deal.* His health looks pretty fair."

les H. Lester, M. D., testifies that he attended Wilbur H. Eldridge, January 27 881. Found him with fracture at base of skull caused by falling backwards ladder while working on a building in Kansas City, Mo., and that he died from ıury at 12 p. m. the same night.

ridow's claim for a pension was rejected on the ground that her husband's death ıot the result of his Army service, but came from a fall since leaving the service." ıuestion for your committee to decide is whether the wound received by claim- ısband in the calf of his leg, in March, 1865, was the cause of his losing his life ng from a ladder on which he was working January 27, 1881. A careful exam- of the evidence on file in the Pension Department has revealed no other his- this case during the intervening period. It leaves him with a superficial gun- ›und through the muscles of the leg, a little below the middle, with nothing to

indicate it but the cicatrices at the entrance and exit of the ball—no swelling of the leg nor any lameness, *unless after long standing;* and takes him up again, after an interval of sixteen years, at work from a ladder on a building, from which he falls backwards, fracturing his skull.

It is impossible to properly estimate the influence which the slightest circumstance may have in bringing about a fall from a precarious position such as this man occupied at the time of his fall. It may, however, be possible that it came from a sudden giving way of the wounded leg which precipitated him from the ladder and caused his death. He had for years been an applicant for a pension, and thus indicated the nature of the disability from which he alleged he was a sufferer; but, yielding to the necessity for procuring a living for his wife and family, he engaged in labor for which he was disqualified by the consequences of his wound, and lost his life indirectly through the effort.

Considering that this soldier's record was a good one, showing three years of continuous service; that he received a wound in battle, and considering the other circumstances of this case, together with the distressed and impoverished condition of his widow, your committee recommend that the relief asked for be granted, and that the bill do pass.

ıGRESS, } SENATE. { REPORT
ısion. } { No. 552.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

R, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2025.]

nittee on Pensions, to whom was referred the bill (S. 2025) grant-ension to James Butler, have examined the same, and report:

imant, James Butler, late a private of Company F, First New ·e Heavy Artillery, applied for a pension at the Department r 10, 1871, alleging disability from breaking his right leg just knee at Concord, N. H., September 9, 1864. It appears that r received a pass from the captain of his company until the ıing and went home in the city; that he got up in the morn- › light to return to camp and started; that in passing to camp o a cellar where a house had just been removed, breaking his The records show that he was discharged September 12, reason of rejection on organization of company at general ıs, Concord, N. H., per General Order No. 243, War Depart- ł. O., 1864, on account of comminuted fracture of lower third, ır, since muster into service. It also appears that he was ı the hospital at Concord. The testimony of Capt. D. J. is to substantially the same effect, and further states that he ted on organization of the company, after his muster in, and ceived the injury while in the service and in the line of duty. ther corroborating testimony.

ımining surgeon found him disabled three-fourths.

ıe was rejected by the Department upon the ground that the ho was on his way to his regiment, under orders to return at ıtion of his leave, and who was disabled without his own fault, ıntract the disability in line of duty.

mmittee, however, think otherwise, and recommend the pas- e bill.

RESS, } SENATE. { REPORT
ON. } { No. 553.

N THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 549.]

tee on Pensions, to whom was referred the bill (H. R. 549) a pension to Enoch Goss, have examined the same, and re-

in this case are fully set forth in the annexed report of the on Invalid Pensions of the House of Representatives (House 738), which your committee adopt, and recommend the pas- bill.

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it enlisted in Company F, afterwards Company D, Fifty-first Illinois nuary 7, 1865, under the name of Enoch Rust, and was mustered out 1865. The soldier incurred disability of deafness while in line of duty, ans, about August 15, 1865, from constant exposure while acting as ping on the ground without tents.

ed his application for pension January 31, 1883, the same being rejected Office January 26, 1885, on account of the inability of claimant to d evidence, or evidence of officers or comrades, the incurrence of disa- the service.

rom the evidence now on file in the Pension Office that this soldier first Indiana regiment at home, Bloomington, Ind., under his true name, but being under the requisite age for military service, his father had him the service. He, however, ran away from home and enlisted in Compa- Illinois Volunteers, under the name of Enoch Rust. It also appears nce that the claimant was of sound physical condition at the time of d entirely free from deafness, and is clearly shown by lay evidence of a of his neighbors of the highest social and moral standing that claimant rith serious deafness at the time of his discharge, and has grown grad- er since. The claimant's not having any medical evidence of treat- return is accounted for from the fact that he is in destitute circum- nable to procure the services of a specialist. His treatment has neces- nple and local applications.

s, a neighbor of claimant, testifies that he was intimately acquainted ier at the time of his enlistment, and that he knows he was entirely ness at the time of his enlistment, and that he saw him a few days after l he was affected with deafness, and has grown worse every year since. tcher also swears he resides within one-half mile of claimant and has timately for thirty years, and says claimant was physically sound and rom deafness at the time of his enlistment, and that claimant came to next day after his return from the Army, and that claimant was affected , it being very difficult to converse with him, and he has grown worse

Butcher, J. M. Thrusher, A. E. Gentry, and a number of others of un- haracter, all testify that they are neighbors of Enoch Goss; testify they ainted with him for several years—in fact from time of his childhood to the

time of his enlistment—and that claimant was entirely free from deafness prior to his enlistment, and that they each of them saw him in a few days after his return, and that he was seriously affected with deafness, and has grown gradually worse vere since.

Dr. Gaston also testifies he has given him local treatment for deafness at times since his return from the service.

In consideration of the fact of claimant's inability to furnish the record evidence called for by the Pension Office being satisfactorily explained, and the evidence of soundness at time of enlistment and his disability of deafness at the time of his discharge being clearly and unquestionably shown by overwhelming testimony, and the utterly destitute condition and constantly increasing disability which prevents claimant from obtaining employment to provide for his pressing wants, your committee therefore report the bill favorably, with the recommendation that it pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 554.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1108.]

The Committee on Pensions, to whom was referred the bill (H. R. 1108) granting a pension to Margaret Coffee, have examined the same, and report:

Your committee adopt the annexed report of the House Committee on Invalid Pensions (House Report No. 1033) and recommend the passage of the bill.

Margaret Coffee is the daughter of John Coffee, late a private in Company D, Sixty-fifth New York Volunteers. He was killed in the battle of Fair Oaks while serving with his regiment. Margaret has been blind since the age of five years, as the result of a severe attack of diphtheria. She was borne upon the pension-roll by certificate 165046 until she attained the age of sixteen, at which time, under the law, her pension ceased. Her mother is dead, and her only living relative is a sister older than she, who cannot, unaided, afford her a support. Margaret has been in an institution for the blind in New York City until last June. She is utterly incapable of contributing toward her own support, and therefore is forced to appeal to the Government, in whose defense her father, her natural protector, yielded up his life.

Your committee believe this is a claim richly deserving the gratitude and bounty of the Government, and they therefore recommend the passage of the accompanying bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 555.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5884.]

The Committee on Pensions, to whom was referred the bill (H. R. 5884) to increase the pension of John A. Stewart, have examined the same, and report:

The facts of this case are set forth in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 711), which is hereto appended, together with the petition of the claimant. Your committee report back the bill, and recommend that it do pass.

That they have had before them John A. Stewart, the applicant, for increase of pension in the accompanying bill, and have verified by a personal examination his physical condition, as set forth in his petition hereto appended.

They find that, in addition to the loss of limb and other injuries described in his memorial, his nervous system is a complete wreck, this condition of things being the result of long-continued suffering from abscesses, ulcers, and bed-sores.

The sympathies of your committee were very much enlisted in behalf of this afflicted soldier, and they recommend with entire unanimity that the accompanying substitute do pass.

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

Your petitioner, John A. Stewart, whose post-office address is Indiana, Indiana County, Pennsylvania, respectfully represents that he is the identical John A. Stewart who served during the last war as private in Company A, Sixty-first Regiment Pennsylvania Volunteers; that while in said service and in battle at Spottsylvania Court-House, Va., May 12, 1864, he received a wound in left arm, which had to be amputated near the shoulder, erysipelas having broken out in it, and another wound by the same shot in the right hand causing amputation of the middle finger well up in the hand; that the wrist is entirely stiff, and ring and little fingers cannot be closed and are weak; in fact the hand is substantially useless for the performance of manual labor; that while lying on his back and being treated for the wounds in the Armory Square Hospital he had bed-sores on the right elbow, right hip, near the lower border of the left shoulder blade, and a deep-seated ulcer formed near the right shoulder-joint, which discharged matter, and was of such a serious character that ever since the muscles are so contracted and shoulder so stiff that he cannot raise his hand to the back of his head, and it is with great difficulty that he can dress or undress, or feed himself.

Previous to this, at the battle of Chancellorsville, May 4, 1863, he had received a gunshot wound in left arm, causing a compound fracture of the bone near where it has been amputated, which required treatment in hospitals about seven months. All of which caused great suffering and greatly reduced his system.

After being discharged, and in 1868 or 1869, he thinks, lumbar abscesses formed a continued about four months, which the physician said he thought were due to the l state of his system, and he knows no other cause thereof. Later, in 1872, he thin erysipelas again broke out, but this time, instead of being in the arm, it settled the right leg and foot, and as a result they are much weakened. Now he has one good, sound limb remaining.

He applied for pension and it was allowed, and in 1877 it was increased by the C missioner of Pensions to $31.25. Believing himself justly entitled to more, he plied to the Commissioner of Pensions for a further increase about two years ago, it was denied because, as he supposes, it was considered that the nature of his di bilities were not such as would entitle him to $50, as provided for by the act of C gress approved June 18, 1874, nor to $72, which is provided for by act of June 1880; whereas he is informed and believes that said rates were allowed for disabi ties of the same nature and degrees, covering different periods of time, and the on difference in the conditions being that the disability must have been of a permane character to be entitled to the highest rates, relative to which in his case there is room for different opinions.

Therefore, believing that justice cannot be obtained under the general law, yo petitioner asks that Congress pass the accompanying bill for his relief, authorizi and directing the honorable Secretary of the Interior to increase his pension to per month at least, and your petitioner will ever pray.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 556.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3019.]

The Committee on Pensions, to whom was referred the bill (H. R. 3019) to increase the pension of Abigail Smith, have examined the same, and report:

The facts in this case are stated in the annexed report of the Committee on Pensions of the House of Representatives (House Report No. 318), which your committee adopt, and recommend the passage of the bill.

That said Abigail Smith is now on the pension rolls and receiving a pension at the rate of $8 per month, as the widow of John E. Smith, late a private in Company G, One hundred and sixtieth Regiment New York Volunteers.

That it appears by the affidavit of George B. Smith and the written statement of Hon. R. S. Stevens, a member of the last Congress, that they are acquainted with Mrs. Smith; that since she was placed on the pension rolls she has become entirely blind, beyond any possibility of cure; that she is a woman of excellent character, and except from her pension she is dependent upon the charities of others.

The committee are satisfied that this is a meritorious case for an increase of pension, and therefore report that, in their opinion, the said bill should pass, after being amended by striking out the word "twenty" in the last line and inserting the word "twelve" in place thereof.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 557.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1290.]

The Committee on Pensions, to whom was referred the bill (S. 1290) granting a pension to David W. Hamilton, have examined the same, and report:

The claimant, David W. Hamilton, was a first lieutenant in Company E, Seventh Regiment Indiana Volunteers. He enlisted September 13, 1861, and was discharged July 11, 1864. He was subsequently in the service in Company C, Fifty-first Indiana Volunteers, from October 21, 1864, to May 23, 1865. He filed a declaration for pension November 29, 1879, alleging that in March, 1862, between Winchester and Edington, Va., from hard marching he contracted enlargement of the spermatic cord. The claim was rejected by the Pension Office "on the ground that the alleged disability existed prior to enlistment."

It would appear that this action of the Pension Office was based upon the following statement from the records of the Adjutant-General's office:

It appears from the rolls on file in this office that David W. Hamilton was mustered into the service of the United States as a first lieutenant, Company E, Seventh Regiment of Indiana Volunteers, to date September 13, 1861, and as captain to date June 12, 1862. Rolls to June 30, 1862, "present"; July and August, 1862, "absent on surgeon's certificate." Record books Third Corps, Army of Virginia, show that he tendered his resignation August 16, 1862, on surgeon's certificate on account of continued ill health, but the papers are not on file. Records of said corps and army are incomplete, and there are no record books of company or regiment on file and no medical certificates. Roll for September, October, November, and December, 1862, "absent sick"; January and February, 1862, "absent on detached service," and so borne to October 31, 1863. Return for October, 1862, "on detached duty in Indiana," and so borne on subsequent returns to August 31, 1863. He was honorably discharged on tender of resignation November 31, 1863, to enable him to accept appointment in the Invalid Corps. He was appointed in Veteran Reserve Corps on account of "chronic enlargement of the spermatic cord of several years' standing, consequent upon hydrocele, which has not been radically cured, and accepted the appointment as captain in said corps October 27, 1863. He is borne as present on the rolls of the Forty-fifth (Company I) Battalion, to which transferred November 6, 1863, to June 30, 1864, and was honorably discharged on tender of resignation July 11, 1864. No surgeon's certificate on file.

The claimant furnishes testimony as to prior soundness, but cannot get medical testimony, as his family physician is dead. The evidence as to the incurrence of the disability in the service seems to be full and complete. There is also considerable evidence as to the continuance of the disability since his discharge.

This soldier was accepted by the Government, and served from 1861 to 1865, and the records establish the fact that he was disabled in the service; notwithstanding which he is now refused a pension because it is alleged that several years before he was afflicted with a somewhat similar complaint, which it was supposed was entirely cured. It would appear but reasonable to suppose that the hardships incident to his service brought it on again and no doubt greatly aggravated the disease.

Your committee are of opinion, in view of his long service and all the facts, that the disease was really incurred in the service. This farce of rejecting claims for pensions of men who have rendered years of active service because they were unable to discharge the duties of a soldier, so long indulged in, is also a crime, and it is time that the dictates of common sense should be adopted instead of some of the rules so long in force in the Pension Office. There is imperative need of reform in this respect, and has been for many years.

Your committee therefore report back the bill with a recommendation that it do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 558.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 862.]

The Committee on Pensions, to whom was referred the bill (S. 862) granting a pension to Matilda Ann Wiley, having considered the same, respectfully report:

At the second session Forty-eighth Congress a bill was introduced asking that a pension be granted Dr. Delano Wiley, but it was not acted on by the committee. Since that time Dr. Wiley has died, and his widow now presents a bill for pension.

The grounds upon which a pension is asked in this case are fully set forth in the affidavits and other papers filed by the petitioner, Matilda Ann Wiley. During the late war the General Government found itself unable to provide for the comfort of the rapidly-increasing number of sick and wounded soldiers, and Governor Morton, of Indiana, inaugurated a system of relief for the soldiers of the United States, in the furtherance of which he called upon Dr. Delano Wiley to go to the front in charge of other physicians, surgeons, and nurses for the purpose of caring for the disabled and bringing home those of the sick and wounded who could be moved; that this plan of relief, though not entirely under Federal supervision, was yet a part of the emergency of war prosecuted for the common cause.

Dr. Wiley testifies that he became connected with the Indiana State sanitary commission as a surgeon May 25, 1852, and remained in the service from time to time until June, 1865; that about May 25, 1862, while on the steamer Citizen, at Pittsburg Landing, taking sick and wounded soldiers on board for transportation to Evansville, Ind., he became affected with typhoid fever of a low form, which left him with fistula and double rupture, which continued to disable and affect him, and he has continued to be an invalid ever since.

John A. Bruse testifies that immediately after the battle of Pittsburg Landing, Governor Morton commissioned Dr. Hannaman, Dr. Wiley, and himself to go to Evansville, Ind., secure a steamer with a sufficient number of surgeons and nurses, proceed to Pittsburg Landing, and render every possible aid to sick and wounded soldiers on the battle-field; that Dr. Wiley was medical adviser and hospital surgeon in charge of the surgeons and nurses on the steamer. The steamer Citizen was secured at Evansville, and the party, consisting of 14 surgeons and 22 nurses, arrived at Pittsburg Landing May 19, 1862. The 20th and 21st days of May were devoted to removing sick and wounded soldiers

to the boat to the number of some two hundred, Surgeon Wiley and his assistants giving all possible aid to the men on the boat. The steamer was delayed several days at the landing, the atmosphere was very bad, and the stench very great, both on the landing and on the boat. Dr. Wiley was suddenly taken violently with what the surgeons pronounced "bloody typhoid fever;" was confined to his state-room very sick, and some of the time unconscious, until the steamer arrived at Evansville, when affiant removed him to a hotel, and the next day had him put on the cars for his home at Indianapolis. After his arrival home Dr. Wiley was completely exhausted and confined to his room for sixty or ninety days.

Dr. S. A. Butterfield testifies that Dr. Wiley came under his care and treatment in June, 1862, suffering from "dothinenteria maligna, complicated with enteric hemorrhage of the worst and most pronounced type;" that to the best of his recollection he treated him for twelve or fifteen weeks; that his convalescence was slow and much protracted by the excessive loss of blood and severity of the disease; that he has recently examined him (December 31, 1884), and "find him with an inguinal hernia of both sides and disease of the rectum, both of which he affirms, and I have no reason to doubt, is the result of said disease."

John D. Stilwell testifies that Dr. Wiley was a stout, healthy man at the time he left Indianapolis to go to Pittsburg Landing, not troubled or disabled by reason of rupture or fistula; that after his return he was broken down in health, ruptured, and wore a truss, and has remained so ever since.

Among other papers on file is a commission signed by Governor Morton appointing Dr. Wiley as assistant surgeon in the Indianapolis Regiment Indiana Militia.

In view of the facts stated, and especially of the fact that Dr. Wiley rendered valuable services to the Government, lost his health in its service, though never in its employ, the committee recommend that the bill do pass, with the following amendment: Insert after the word "acting," in the sixth line, the word "assistant," and after the word "of," in the eighth line, the word "assistant."

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 559.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1858.]

The Committee on Pensions, to whom was referred the bill (H. R. 1858) granting an increase of pension to James McMullin, have examined the same, and report:

The facts of this case are detailed in the accompanying report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 245), which your committee adopt, and recommend the passage of the bill.

In the matter of House bill No. 1858, of James McMullin, we find he enlisted in 1862 in Company I, One hundred and eighteenth New York Infantry, and was honorably discharged therefrom June 30, 1865; re-enlisted April, 1866, in Sixth United States Cavalry; honorably discharged April 2, 1869; re-enlisted April 5, 1869, in same company and regiment, and honorably discharged May 2, 1872, for total disability; that while a member of the One hundred and eighteenth New York he took part in ten general engagements, and while in line of duty at Fort Harrison, Va., September 29, 1864, was wounded in left arm by gunshot (ball never removed); that while in the Sixth United States Cavalry, and in line of duty, in an engagement with the Indians near Fort Richardson, Tex., March 7, 1868, he was wounded in right side, ball passing out near spinal column.

That while in same company and regiment, at Pilot Grove, Tex., February 22, 1869, he was thrown from a wagon and had his leg broken and ankle dislocated while he was acting in line of duty; that while in same company and regiment on December 26, 1871, he had his feet and hands frozen, necessitating amputation of all his fingers and toes. He obtained at this time and occasion permission of the ranking sergeant of the company to go to Junction City, Kans., and on his return, within time of leave, was overtaken by a severe snow-storm, and the severity of the storm and injuries so by him received, as above set out, impeded his progress in traveling, and he became so sore from wounded leg and ankle and wounded side that he became exhausted, lost his course in the storm, and had his feet and hands frozen before reaching his company; that he had no witness to prove these facts, and the records of the company never showed his leave of absence, and he filed application for pension May 1, 1879, and same was rejected August 11, 1880, for loss of feet and hands, because injury to feet and hands was not received in line of duty; that he is receiving a pension of $2 per month on pension certificate No. 225933, for gunshot wound of right side, as above set out; that he is receiving a pension of $2 per month for injuries and gunshot wound of arm; also $2 for broken leg and dislocated ankle. His record in War Department is good and clear of any stain.

Believing that claimant is entitled to relief on account of frozen fingers and toes, we recommend the passage of accompanying bill, amended, however, by striking out the word "thirty," in line 8, and inserting therein instead the word "twenty."

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 560.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3562.]

The Committee on Pensions, to whom was referred the bill (H. R. 3562) for the relief of Peter Towers, have examined the same, and report:

Your committee adopt the full and detailed report of the evidence of this case in the annexed report of the House committee (House Report No. 274), and recommend the passage of the bill.

Peters Towers, the claimant, enlisted September 8, 1864, in Company L, Eighth New York Heavy Artillery, and was discharged June 28, 1865. His application for pension was filed June 26, 1880, claiming a pension for disability incurred in the service as a soldier in the late war. His claim was rejected by the Department on the ground that there was no record of medical treatment in the service or at the time of his discharge, and claimant's inability to furnish the necessary proof to establish the origin of kidney disease in the service.

Examining Surgeon Lemuel Cross states that he (the claimant) claimed to have pain over the lumbar region at times, which hurts him to get in and out of a chair; that it is this lumbago which acts on the vasomotor that leads him to believe that his kidneys are at fault, which is corroborated by Examining Surgeon Bendall.

The claimant testifies that prior to his enlistment he resided at Esperance and Richmondville, N. Y.; occupation was farming and driving team; he enlisted in the Twenty-third Battery, New York, September 8, 1864; about January 1, 1865, was transferred to Company L, Eighth New York Heavy Artillery; while in the line of duty he contracted kidney disease; was sent to City Point Hospital; about March 20, 1865, was transferred to Stanton Hospital, Washington, D. C., where he remained under treatment until June 22, 1865, when he was discharged, and returned home; that he is unable to work at any heavy work; that he is unable to furnish medical proof of treatment for said disease immediately after his return from the service, for the reason that Dr. Cornell, who treated him for said disease, is now dead; that he does not know the whereabouts of any of his officers, and cannot find them; that he cannot furnish testimony of his captain (Robertson) as he (Robertson) was a prisoner at the time he (claimant) joined the regiment; that he cannot furnish the testimony of Assistant Surgeon Casey, for the reason that he does not know that he was ever treated by said Casey.

The record testimony shows that claimant was on the roll of the Twenty-third Independent Battery, New York Light Artillery, for September and October, 1864, present; name not borne on roll of battery for November and December, 1864. Muster roll of Company L, Eighth Regiment Heavy Artillery, reports him present January and February, 1865, with the remarks, "Sick in Second Division hospital;" joined January 16, 1865, and was present March and April, 1865, with the remarks, "Sick in hospital at City Point, Va." Mustered out June 22, 1865, at Washington, D. C.

The records furnish no evidence when taken sick, nor the nature of the sickness; regimental hospital record not on file. Also the claimant, Peter Towers, private Company L, Eighth New York Heavy Artillery, was admitted to Stanton General

Hospital, Washington, D. C., April 8, 1865, and discharged from service June 22, 1865; also that he entered Second Division (Second Army Corps) hospital, Patrick's Station, Va.; date not stated; was transferred February 16, 1865; entered depot field hospital (Second Army Corps), City Point, Va., February 13, 1865, with sprained ankle, and was transferred April 7, 1865; entered hospital steamer Connecticut; no diagnosis stated.

John Boothwick, Dr. E. Willard Boies, and Peter Hagadorn testify that they knew claimant before and at the time of his enlistment; that he was a sound, healthy, able-bodied man.

Walter Dingman swears that he well knew claimant, and that while in the line of duty, at or near Petersburg, Va., about February 15, 1865, he came to City Point Hospital, disabled with kidney disease; that the facts are personally known to affiant by reason of claimant's statement. At the time he came to hospital affiant was a member of Company E, Eighth New York Heavy Artillery, and has no interest in said claim; that claimant looked bad and at the time walked with a cane.

Peter Hagadorn, private of Company E, Eighth New York Heavy Artillery, also testifies that claimant came to City Point Hospital with kidney disease.

Dr. E. Willard Boies testifies, in an affidavit filed February 19, 1884, that he has seen claimant two or three times each week for years past; that claimant is only able to do very light labor, and does not believe he can do one-half the labor of an ordinary man.

Dr. John Swinburne, of Albany, N. Y., testifies that he has known claimant for about nine years, and has treated him for kidney disease; did not know him prior to enlistment; treated him first for his left hand, injured between railroad cars, and for kidney disease about May 10 and 18, June 3, 7, 12, 16, 19, and 25, 1873, and July 6, 1873; that he is unable to perform his labors as a healthful man, only about one-half.

Dr. Henry S. Gale swears that he treated him about June, 1872, for nephritic colic and chronic nephrites, and lately for vesical catarrh of bladder, treatment continuing to November 1, 1882; that he is unable to do over one-half the labor of an ordinary man; that the above disabilities still remain to the extent above stated. Affidavit filed February 19, 1884.

Lawrence King testifies that he has long known claimant, and that immediately upon his return from the Army he complained of kidney disease contracted in the Army, and that he has complained of said disease ever since, and is unable to do ordinary labor.

John J. Dickinson also testifies that claimant was well known to him previous to June, 1865, and ever since his discharge from service he has been complaining of kidney disease, and is unable to do more than one-half day's labor.

Daniel Cady also testifies that he has been well acquainted with claimant ever since his return from the Army, and that claimant was severely afflicted with disease of the kidneys; that prior to his enlistment he knew him to be well and rugged; that he advised claimant to take medicine (niter), which he did, and that it helped him some for a time; that said disease returned, and claimant has been complaining ever since, and not been able to do a day's work that was much labor; that he, affiant, is afflicted with the same disease.

From all the evidence there seems to be no reasonable doubt that the said claimant contracted the disease for which he claims pension while in actual service during the late war in the line of duty; that he has ever since continued to suffer therefrom, rendering him unable to perform full manual labor.

Your committee therefore recommend that the bill do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 561.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1077.]

The Committee on Pensions, to whom was referred the bill (S. 1077) granting a pension to Newcomb Parker, have examined the same, and report:

The claimant, Newcomb Parker, late private of Company K, Eleventh Vermont Volunteers, enlisted August 14, 1862, and was discharged February 8, 1864. He made application for pension January 7, 1880, alleging dislocation of right ankle by a falling stockade at Fort Slocum, D. C., about January 1, 1864. The claim was rejected November 10, 1885, on the ground that the claimant is unable to prove that he contracted or had any disability in the service that he did not have prior to enlistment.

It appears from the report of the Adjutant-General that this soldier was disabled by reason of lameness from the fracture of ankle-joint December 31, 1863, and that on February 8, 1864, was discharged for disability, but when and where fracture of ankle occurred the records do not show. The certificate of disability for discharge is, however, on file, and states that he was found unable to perform the duties of a soldier because of old and irreducible dislocation and fracture of right ankle-joint received at Fort Totten, D. C., and unfit for duty in invalid corps, discharged at his own request, disability one-quarter.

The last examination by a medical board, August 6, 1885, rates the disability by reason of injury to right ankle at total.

The claimant has entered evidence of several parties who knew him before enlistment showing that he was then a sound man and had no difficulty with his ankles and also testimony as to the incurrence of the disability in the service.

The report of a special examiner, dated October 23, 1885, which closes as follows, is also on file:

> From the testimony in this claim I am of the opinion it is one of merit, and therefore respectfully recommend it for admission.

The report of another special examiner, in which a large amount of testimony was taken, dated August 4, 1885, is also on file in which he states:

> I think there is merit in the claim for injury of right ankle and that, on that account, it may be admitted.

It would seem from this evidence that there can be no doubt that this disability was incurred in the service and that this case should properly have been admitted as recommended—as recommended by the special examiners—in the Pension Office. Why it was not so admitted does not appear from the papers. Your committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 562.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3152.]

The Committee on Pensions, to whom was referred the bill (H. R. 3152) granting a pension to Eliza A. Fisher, have examined the same, and report:

Your committee adopt the very full and complete statement of the evidence in this case set forth in the annexed report of the House committee (House Report No. 1032), and recommend the passage of the bill.

[House Report No. 1032, Forty-ninth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred House bill 3152, beg leave to submit the following report:

Eliza A. Fisher is the widow of William H. Fisher, late a corporal in Company H, Sixty-first Regiment Pennsylvania Volunteers, who was borne upon the pension-roll, certificate No. 33499, for gunshot wound received in battle at Fredericksburg, May 3, 1863. He died October 18, 1880.

She filed an application as his widow, March 30, 1881, which was rejected July 16, 1885, because soldier's death, "apoplexy," was not due to gunshot wound for which he was pensioned.

The evidence in the case is as follows: James R. Foster, M. D., Attleborough, Mass., says that he attended the soldier as family physician for some time previous to his decease, and was attending in such capacity at the time of his decease, October 18, 1880; that for several months previous to his death he was troubled with headaches and indigestion, the result, in affiant's judgment, of a wound in the chest; that the immediate cause of his death was apoplexy, caused, probably, by a rupture of a blood-vessel. Saw him immediately on his being taken with apoplexy, and tended him nearly up to the time of his death.

Several physicians were called in consultation, and the agreement of all was that the cause of death was apoplexy, result of a weakened state of the nerve centers and ganglionic system, owing to a bullet wound in the chest; that in his judgment the wound was the remote cause of death, owing to a weakened state of the general system caused thereby; he had a bullet wound through the body near the lower part of his breast; that he treated soldier from June, 1878, until his death, for neuralgia and trouble with back, where there was a wound caused by a bullet leaving his body; also treated him for dyspepsia. He seemed to be less vigorous from year to year. Frequently examined said wound and scar, and in his opinion the wound was cause of trouble which led to his death; his reason for attributing same was the ball entered the region of the stomach, passing through the body, came out at left of spine. The nerves were injured near the spine, and the disarrangement seriously affected the entire body, and reduced system so that blood vessels were not in healthy condition, and favored apoplexy.

Dr. F. L. Burden, Attleborough, Mass., testifies that he had known soldier for last seven years, and in this time had treated him for disabilities resulting, as alleged,

from wounds received in service; that treatment had been more frequent and constant for two years last past. That a short time before his death soldier was anxious concerning said wound and called several times for examination. That about a week prior to his death affiant was called in consultation; that he was then suffering from internal hemorrhages, which, in his opinion, was the result of destruction of tissue and changes occasioned by said wound; that during four years before his death he treated him for general debility and progressive anæmic condition of the system, which he believes to be occasioned by changes due to his wound, and that such conditions rendered very probable the attack of apoplexy of which he died; thus forming a perfect chain which connects the direct cause of death, apoplexy, with the wound.

Dr. James W. Foster, North Attleborough, Mass., testifies that his son had special charge of the case of William H. Fisher; that he was called in consultation a short time prior to his death. He was then suffering from apoplexy, which, in affiant's opinion, was caused by, or induced from, the bullet wound which had always troubled him; that he thinks the nervous system or nerves near the spine were injured by the passage of the bullet, and that injury so affected the entire system that apoplexy might ensue as a natural result.

A. M. Sperry, North Attleborough, Mass., testifies that he was called to see soldier when taken with the attack which resulted in death; was with him about three-fourths of the time until his death. There seemed to be a general breaking-up of the system, which also affected his mental faculties; had noticed this failing before the final illness; never heard him complain of any ailment other than those resulting from his wounds.

The medical examinations by surgeons mark a steady progress of the disability.

Dr. Cumesky states that ball entered body at lower edge of sternum, traversing the body beneath the diaphragm, coming out of back to the left of spine. The wound of exit still discharging and considerable pain is experienced in bending the body.

A year later the same surgeon reports:

"Disability has increased since last examination; he now suffers much pain in back, at wound of exit, from which there is still a constant discharge."

Dr. Thurston, ex-surgeon, Providence, R. I., says, in 1875, after a description of the wound:

"The wound causes a great deal of weakness in the back and has disabled him from pursuing his former avocation, that of silver burnisher, and at times renders him unable to move about with comfort."

J. G. S. Hitchcock, ex-surgeon, Foxborough, Mass., 1877, says:

"A piece of bone exfoliated from vertebra; he has lameness of left lumbar muscles and numbness of outside of left thigh, and has also temporary numbness and pain of left arm."

In the opinion or your committee the disease, apoplexy, of which the soldier died is directly traceable and attributable as a result to the serious wound which he received in the service, undermining and weakening his constitution, inducing the physical conditions which resulted finally in death.

Your committee therefore recommend the passage of the accompanying bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 563.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1369.]

The Committee on Pensions, to whom was referred the bill (H. R. 1369) granting a pension to George H. Perkins, have examined the same, and report:

Your committee adopt the very full statement of the evidence in this case and the conclusions reached thereon by the accompanying report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 234), and recommend the passage of the bill.

The record in this case shows that Perkins enlisted as a private in Company I, Third Massachusetts Heavy Artillery, on December 26, 1863, and was discharged on September 26, 1865; that he filed his application for a pension on January 19, 1880, alleging that at Broadway Landing, on the Appomattox River, about 3 miles above City Point, Va., about January 10, 1865, he, with his company, was attending to the ponton bridge across the river at that place, where he was taken sick with chills and fever and chronic diarrhea, and was treated by some surgeon belonging to a regiment near, but principally by Lieutenant Chamberlain, of his regiment; that as soon as well enough he got a furlough to go home; he returned to his company in March, 1865, and in August 1865, was taken worse with the chills and diarrhea; and when the regiment arrived at Galloupe's Island, Boston Harbor, he took a severe cold which settled on his lungs about September 22, 1865.

His application was rejected July 18, 1882, "upon the ground of there being no record of alleged diseases, and claimant's inability to furnish the testimony of the surgeon or assistant surgeon of his regiment showing treatment in the service, or medical evidence showing treatment at discharge or for some time thereafter, and then the medical testimony not satisfactory."

It is in evidence, as shown by the testimony of Perkins, that he resided in Springfield, Mass., prior to enlistment, and from discharge to November, 1866; from then to April, 1877, at Jefferson City, Mo., and since then at Kansas City, Mo.

Oliver Allen testifies that he knew Perkins for thirty years before his enlistment, also during the term of his service, having been a member of same company, and since discharge; that at the time of Perkins's enlistment Perkins was employed in the United States Armory at Springfield, Mass.; he was then a sound, healthy, able-bodied man, especially free from chills and fever; that during his term of service Perkins contracted chills and fever in consequence of exposure, and was several times under care of surgeons. Having no surgeons of their organization he was treated by those of other organizations, whose names witness does not recall. Witness was with him when discharged, and he was suffering intensely with chills and fever; was weak, emaciated, and completely broken down. Saw him frequently until November, 1866, when Perkins went West, and up to that time he had only been able to work one week at light joiner work. Witness saw him next in November, 1876, in Springfield; he was then very feeble and suffering from a severe attack of said disease; saw him from time to time until following April, and during all that time he was taking medicine and was totally unable to perform any manual labor.

This witness is corroborated, except as to incurrence of disability in the service, by Asa M. Piper. Christopher Briggs, of Springfield, who had charge of the pattern department of the armory when claimant was employed there, says that Perkins was a sound, healthy, able-bodied man, and free from disease of any sort up to the time of his enlistment.

Lieutenant Chamberlain testifies that Perkins was taken sick with diarrhea in October, 1864, and continued so for several weeks, unfit for duty, and again in January, 1865, he was taken sick with chills and fever and chronic diarrhea, and confined to his quarters. Witness visited him daily and took a surgeon of a regiment lying near the battery to see him. About the latter part of July Perkins had another attack of diarrhea, and about August 15, 1865, was taken down with chills and fever, and was very sick. Witness gave him medicine, as they had no surgeon and had to depend upon surgeons of some regiment that happened to be near.

Capt. John Pickering, captain of claimant's company, testifies "that the said George H. Perkins, while in the line of his duty at or near Richmond, in the State of Virginia, did on or about the 6th day of September, 1865, become disabled in the following manner, viz, was taken with diarrhea and continued sick until the 16th instant, inclusive"; that he makes the statement from a record in his possession kept daily by his company clerk. This statement shows his condition within ten days of his discharge.

This testimony of Lieutenant Chamberlain and Comrade Allen, that this battery was compelled to rely for surgical aid upon any surgeon who happened to be in their vicinity, seems to explain the "want of record of alleged disease, and claimant's inability to furnish the testimony of the surgeon or assistant surgeon of his regiment," which is assigned as one of the reasons for rejecting the case.

Upon the point raised by the Pension Office, that there is no "medical evidence showing treatment at discharge, or for some time thereafter," claimant, in an affidavit filed June 2, 1884, says:

"This evidence I cannot obtain because the surgeons who doctored me during the first fourteen or fifteen months after being mustered out are both dead. Therefore I make the following statement under oath:

"On arriving home at Springfield, Mass., after being mustered out of the service September 26, 1865, I was first doctored by my family physician, H. G. Stickney, M. D., and by him until June 29, 1866, at which date I consulted with Dr. David P. Smith, of Springfield, Mass., who doctored me up to December, 1866, when, by his advice, and that of Dr. Peabody, of Jefferson City, Mo., I came to Missouri. Dr. Smith told me I would have to seek a warmer climate or I would not live.

"On August 7, 1866, I made application for a pension through Capt. L. A. Tiff, pension agent, of Springfield, Mass., and on August 8 following I obtained the affidavit of Dr. Stickney of my condition and treatment by him, paying $1 for the affidavit, as shown by my diary kept at that time. I suppose it was forwarded to the Pension Department at Washington. Captain Tiff died soon after my application was made, but I have had his papers carefully examined by those having charge of them, and the affidavit cannot be found if not on file at Washington. * * *

"In 1880 I wrote to Dr. Smith for an affidavit, and he replied that he would be glad to give one, but being examining surgeon for the United States at Springfield, Mass., he did not feel like making one until called on by the Government, when he would be glad to give it. This was before the Department called on me to produce his affidavit. * * * From this it will be seen that it is impossible for me to produce any other medical evidence of treatment for the fourteen or fifteen months just following my discharge from the service at the close of the war."

This period, however, is well covered by other testimony, and from December 1, 1866, to April 19, 1882, the date of his last examination by the board of pension surgeons, at Leavenworth, Kans., his condition is well established by the testimony of physicians and neighbors, and may be stated in the language of Dr. George E. Hayden, who treated him in Kansas City, Mo., from 1872 to 1881:

"During great portions of the above-mentioned years he has been unable to perform manual labor. His disease appears to assume at times a tendency to consumption of the bowels. Having inherited a good constitution, and being a strictly moral and temperate man, he has been able during portions of that time to perform light labor, but is obliged to work for less wages; that at no time is he able to do a man's work, and my opinion is that his disease is liable at any time to terminate in consumption of the bowels, as at times he has had a severe cough, spitting of blood, and considerable lung trouble, while at all times the bowel trouble predominates."

Your committee, believing that claimant has clearly proven that his disability originated in the service and has continued ever since, recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 564.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1152.]

The Committee on Pensions, to whom was referred the bill (H. R. 1152) for the relief of Mrs. Ellen S. Tolman, have examined the same, and report:

Your committee adopt the accompanyiny report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 319), and recommend the passage of the bill.

Ellen S. Tolman is one of the corps of noble women who in the early days of the war became interested in the great and holy work of ministering to the sick and wounded of the Union armies. This she did freely, giving of her time as a volunteer nurse, spending her means without thought then of reimbursement by the General Government, nor has she ever asked it, though, beside the time which she gave, she spent several thousands of dollars in prosecuting the work, which she continued from the first Bull Run fight, in 1861, down to February 15, 1863, when she was prostrated by a malarial typhus fever, from the effects of which she never recovered, and which compelled her finally to abandon the work she had so successfully prosecuted. She was a woman of slight build, and in her zeal and enthusiasm worked far beyond her strength, keeping upon her feet until she completely collapsed and broke down. The attack of fever was preceded by convulsions, and for twelve days thereafter all was a blank to her. Dr. Stanly, of Winthrop, Me., who attended her, then said if she lived until her fever ran its course it would result in consumption or malarial abscesses. The sequel shows that the result was abscesses, from which she has suffered most intensely, having had them on the arm so severe as at one time to suggest amputation as the only means of saving her. Afterward, upon the back, knee, ankle most painful abscesses appeared, which were opened with the knife while she was under the influence of ether. About the 10th of June, 1863, she was able to be removed to her home in Maine, and on August 10, the same year, she was enabled to move painfully around by the use of crutches, and only the last of September was she able to discard them. With returning strength she felt it her duty to again resume her work. She came to Washington, but an attempt to take up the work resulted in complete failure, and she was compelled to again submit to treatment by Dr. Andrews, then at the King street hospital in Alexandria, for a new abscess which formed upon her knee, which finally compelled her to abandon further attempt to aid in the good work so much appreciated by those who had the misfortune to need such ministrations.

In prosecuting this work she had a pass, signed by President Lincoln, authorizing her to enter all hospitals within the Union lines, day or night, and furnishing her with conveyance and escort if necessary.

The evidence submitted is most complete as to the untiring zeal and unflagging spirit with which she labored until, overcome by disease contracted in the work, she was obliged to relinquish further efforts in behalf of our sick and wounded.

Brig. Gen. George L. Beal says, under date of November 14, 1885:

"While I was colonel of the Tenth Maine Regiment I know from personal experience that she gave her entire time in looking after the wants of and seeing that every care and attention was given to those in the hospitals. She became almost indispen-

sable to the officers of my regiment in looking after their men; and any information as to their whereabouts or condition could always be obtained by sending to her. I take great pleasure in recommending her to the kind consideration of our Government, believing its bounties cannot be more worthily bestowed than in granting her a pension."

Col. J. W. Hathaway, State agent for Maine, says:

"During my term of office, which ended in the spring of 1863, she continued a devoted and capable assistant in relieving the suffering of our sick and wounded men until prostrated by serious illness, the result of her charitable work. To the best of my knowledge and belief her labor and sufferings were unremunerated, and I think she is entitled to compensation from the Government."

Hon. Sidney Perham, ex-governor of Maine, says:

"I was in Washington much of the time during the war, and had occasion to know that she spent her time in the interest of the soldier, and that she rendered most efficient service until she was prostrated by a severe fit of sickness attributed to this work. She has been in feeble health ever since. I earnestly hope some provision may be made for her to receive a pension."

Ex-Vice-President Hannibal Hamlin, under date of August 8, 1885, says:

"It was my pleasure to know and to be well acquainted with Mrs. E. B. Tolman. She did a most patriotic and Christian service in the hospitals in and around Washington during the late war. She was a long time in the hospitals; from my recollection more than two years. Her services were well discharged, and, I have understood, all voluntarily."

Affidavits are also presented from C. C. Hayes, late "State agent in the field" for Maine; from William K. Neal, of Portland, Me., late paymaster's clerk from 1862 to 1865, as to the great value of her unpaid services; also from soldiers who were nursed by her, one of whom, George F. True, of Auburn, Me., says:

"At the time I was sick in the hospital, from my personal knowledge, I am of opinion that several soldiers' lives were saved by her ministrations, and I know I was greatly indebted to her for my recovery."

She also presents evidence of residents of South Paris, Me., who have known her from childhood, and who testify to her enjoying the best of health previous to her service in Washington in 1861. Also from acquaintances in Lawrence, Mass., where she now resides, showing that since service she has had several attacks of sickness when her life was endangered, and that her health will not allow her to attend to her household duties.

Dr. G. Howard, her family physician, certifies—

"That she suffers from valvular disease of the heart, undoubtedly dependent upon or caused by stenosis of the pulmonary veins. There is also enlargement of liver and spleen, caused undoubtedly by malarial influences, contracted while in service in the various hospitals in and about Washington during the late war. She has been a great sufferer for many years from the above causes, and there is no probability that she will ever be any better. The condition of heart is such that exertion of almost any kind causes her much distress and suffering."

Her husband, Eleza B. Tolman, was a private in Company D, Second Maine Volunteers; enlisted April 29, 1861, and was discharged August 8, 1862, for disability contracted in the service, resulting in attacks of pleurisy, and any exposure or exertion caused these pains, which centered around the heart, rendering him unfit for any ordinary labor. He never received bounty or applied for pension. They have three children, none of whom are self-supporting. To keep themselves along and fight the wolf they have been forced to sell their farm, and for the past few years have only succeeded in paying expenses by the kindness and liberality of friends.

Your committee are of opinion, where the Government has had the almost (in those days) invaluable services freely and without price, and at the expense of years of physical suffering, as the evidence in this case discloses, of such a noble and devoted woman, there can be no question as to its duty in the premises.

They therefore recommend the passage of the accompanying bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 565.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1113.]

The Committee on Pensions, to whom was referred the bill (H. R. 1113) granting a pension to Walter S. Haynes, have examined the same, and report:

The evidence in this case is set forth at considerable length in the accompanying report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 561) which your committee adopt, and recommend the passage of the bill.

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[1] Walter S. Haynes enlisted August 6, 1862, in Company F, Thirty-sixth Regiment Massachusetts Volunteers, and was discharged for disability September 28, 1863. He applied for a pension, which was granted June 16, 1864; certificate No. 29637. He alleged in his original application—

"That on or about July 12, 1863, he was attacked by malarial fever, followed by chills and fever. Soon after an abscess appeared upon his right hip and another upon his right groin, producing great swelling of the abdomen and lower limbs."

He was first pensioned at $8 per month, which was afterward reduced to $6, and then to $4 per month, at which rate he was last paid March 4, 1870, at which time he was dropped from the roll, as the result of an examination, during which he admitted to the examining surgeon that he had "slight swelling of the ankles before enlisting." He filed a claim for restoration February 12, 1881, for malarial poisoning and rheumatism, which was finally rejected September 16, 1885—cause: "No disability from malarial poisoning since filing of claim"—prior to which the papers were returned to the chief of the board of review with the following indorsement from the chief of the Eastern division:

"I am of opinion that the grounds of rejection on this claim for restoration are not tenable. Aside from the alleged admission of claimant, the proof of soundness is all sufficient."

The evidence in support of this claim is certainly of the strongest character as to the incurrence of the disabilities, and the rejection of the claim seems to have been based almost wholly upon the honest admission of claimant as to slight swelling of ankles before service, which is not an uncommon occurrence in the case of people whose business, similar to claimant's (grocery), required constant standing for long hours.

John Burns, M. D., family physician from 1859 to 1862, testifies to claimant's soundness prior to enlistment, and that if he was not sound he should have known it. No recollection of ever having treated him for any cause.

William F. Draper, captain of claimant's company, testifies:

"That when encamped at Newport News, Va., claimant contracted rheumatism, on account of which he was excused from duty, and was under treatment in hospital for same; never able to perform regular duty until he was discharged."

George P. Sanderson, of claimant's company, who was detached as a hospital attendant, testifies that—

"While regiment was at Newport News, Va., after a heavy snow-storm, which broke down many of the tents, claimant was admitted to the hospital suffering from rheumatism, the case being one of the worst that came under my notice."

J. P. Prince, late surgeon of the Thirty-sixth Massachusetts Volunteers, testifies that—

"Soldier was under my treatment for rheumatism during the early part of 1863 for a number of months, exceeding eight, and while an enlisted man, and to the best of my knowledge and belief this disease was contracted in the line of duty; he was constantly excused from duty by me or one of my assistants."

Dr. A. F. Bryant, late surgeon of Thirty-sixth, certifies that—

"Soldier, while in service and line of duty, suffered from rheumatism, disabling him for active duty for a period of ninety days, and more or less till time of his discharge; have seen him since and find him suffering from same disease."

The certificate of disability for his discharge says: "Prostration following and consequent upon malarial disease and difficult locomotion."

J. F. Jarvis, M. D., certifies from 1864 to 1872:

"Saw him every day or so, being near neighbors; knew he was suffering from articular rheumatism, and conversed with him frequently in regard to his condition; in August, 1878, attended him professionally for an attack of subacute rheumatism, chiefly affecting hands and lower extremities; that these are distorted by the disease to such an extent as to incapacitate him from earning a living, and he always will be, in my opinion; the disease was contracted in the Army."

E. N. Whitten, M. D., says:

"In 1870 treated claimant for articular rheumatism, chiefly affecting lower extremities, from which he continued to suffer, and is now [1881] suffering; my opinion is that the disability is permanent."

C. B. Witherle, M. D., surgical house officer, Massachusetts General Hospital, certifies:

"Claimant had the middle toe of his left foot amputated at this hospital for a troublesome deformity, apparently the result of rheumatic inflammation in the joint."

The reports of pension examining surgeons are herewith appended:

John G. Metcalf, M.D., Mendon, Mass., says, September 4, 1869:

"Right knee swollen and painful, being attacked by rheumatism; find him with articular rheumatism of the different joints of both upper and lower extremities, at times interfering with his ability to labor; in my opinion present rheumatism had its origin in original disabilities."

Dr. Ormand Martin, 1870, testifies;

"He has no disability from intermittent fever, and none from abscesses of hip joint; he is badly disabled from rheumatism; he has had swelling of right ankle and knee; that he says he has been very lame since his discharge; he now has large deformed joints of right hand, and is feeble looking, and I have no doubt he is very lame in right leg and shoulder; he admits he had slight swelling of his ankles before entering the Army; his disability is total."

The pension examining board at Boston, Mass., February 9, 1881, say:

"We find him a very great sufferer from chronic rheumatism. Left foot is badly drawn, and he has recently had a toe amputated on account of the pain the pressure of the toes together occasioned; his feet and ankles are badly swollen, though he says they are much better than at times; his heart sounds are weak and distant, and though we got no murmurs we incline to believe he has hypertrophy of left ventricle. We rate third grade, $18 per month."

The board at Lowell, Mass., January 23, 1884, appear to have spent their time in questioning the soldier as to how he contracted his disability and what he complains of now, and wind up what your committee, from its very great experience in examining this class of papers, do not hesitate to say a very superficial examination, if indeed any proper examination was ever made, as follows:

"We find no enlargement or deformity of any joint except of the two great toes, which claimant says is hereditary. Heart normal. We rate for rheumatism and results, nothing. The claimant does not suffer from the disability for which he was originally pensioned, nor from rheumatism, and is not entitled to restoration or renewal or any rating."

The board of surgeons at Salem, Mass., under date of June 18, 1885, find him, after a long and most thorough examination, disabled from causes alleged, and recommend that he be restored to the roll, aggregating his disabilities at third grade, $18 pe month.

The reviewer of all this evidence sums up his report as follows:

"It is evident that original description of disability did not cover the real cause disability, the abscesses which appear to have resulted from rheumatism, and th

the pension was paid for rheumatism as appears from the certificates of examination therefor. I think certificate should be reissued to correct description of disability, and to restore from date of last payment at $4 per month, and increased to $8, from August, 1870, and $18 from February 9, 1881, for rheumatism and results."

Your committee are of opinion that all the evidence in the case tends strongly to prove incurrence of disability in the service. That he was a hearty, robust man when he enlisted is clearly proven from his family physician testifying that he never treated him for any cause. The evidence in service shows conclusively in his favor as contracting disability, and all the evidence since service shows he has been a constiant sufferer therefrom. We therefore recommend the passage of the accompanying blll.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 566.

IN THE SENATE OF THE UNITED STATES.

APRIL 15, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2148.]

The Committee on Pensions, to whom was referred the petition of Mrs. Nannie Cushman, praying that she be granted an increase of her pension, have examined the same, and report:

The petitioner, Mrs. Nannie Cushman, is the widow of the late Lieut. Commander Charles H. Cushman, of the United States Navy. She was granted a pension February 1, 1884, at the rate of $30 per month. She now asks Congress to increase this rate on the ground that the death of her husband left her in necessitous circumstances, with a large family unprovided for, and that her present allowance is entirely insufficient for the necessities of living. After a careful consideration of all the facts in this case your committee recommend the passage of a bill which is herewith reported, placing her name on the pension-roll at the rate of $40 per month.

We append her petition, which is as follows:

To Congress of the United States of America:

The petition of Nannie S. Cushman, of the city of Buffalo, county of Erie and State of New York, respectfully shows:

That heretofore, and on or about the 13th day of October, 1832, your petitioner was born in the city of Alexandria and State of Virginia.

That thereafter, and on or about the 14th day of June, 1855, she was united in marriage to Charles H. Cushman, in the city of Annapolis and State of Maryland.

And your petitioner further says:

That the said Charles H. Cushman was born on or about the 6th day of December, 1831, in the city of Bangor and State of Maine.

That thereafter, and in the year 1849, he entered the United States Navy and did service therein as and in the capacity of midshipman; that he did serve as such midshipman on the United States ships Vandalia and John Adams from the year 1849 to the year 1854.

That he was thereafter ordered to the United States Naval Academy, at Annapolis, Maryland, where he remained till the year 1855, when he was graduated, passing number two of his date.

Immediately following his departure from the said Academy he was ordered to active service on the coast survey of North and South Carolina, where he served till the year 1856, when he was again sent to the Naval Academy to occupy the position of assistant professor of mathematics and seamanship. As such professor he remained at Annapolis till the year 1858, when he was ordered to the United States ship Westernport, for duty upon the Paraguay expedition.

Again, in the year 1861, he was summoned to duty, but this time for actual service in the war of the rebellion, first on the United States ship Water Witch, in the Gulf of Mexico, and then, on blockading duty, to the United States ship Massachusetts.

On November 7, 1861, at the battle of Port Royal, he was on duty in the United States ship Pembina.

Following this, and during the summer and fall of the year 1863, he was on board of the iron-clad Montauk, Rear Admiral John L. Worden commanding, where, at the siege of Charleston, and in the defense of its harbor, he took part in the many fights of that vessel.

As executive officer of the United States frigate Wabash, Rear Admiral Melancthon Smith commanding, he was again actively engaged in both of the attacks upon Fort Fisher.

Following this engagement, and upon the 15th of January in the year 1865, he led the forlorn hope in its assault upon the fort.

In these combats, which are renowned for the bravery and skill of its participants, Commander Charles H. Cushman was twice severely wounded. At the close of the war, Congress, by special act, recognized his ability and faithfulness, and for the valuable services he rendered his country during the war of the rebellion he was promoted to the rank of commander, United States Navy.

His last cruise was in the Mediterranean, commanding the United States ship Wachusett.

In the year 1875 he commanded the United States receiving ship Worcester, at Norfolk, Va.

His last command was on the United States ship Michigan, on service upon the Great Lakes, following which he was honorably retired, by reason of impaired health, at his own request.

And your petitioner further says:

That Commander Charles H. Cushman faithfully and honorably discharged his duties as commander of the United States Navy, and for thirty-five years, twenty-eight of which were spent in active service, he did devote his best energies to the protection and in the interest of his country. By the records of the Navy Department, at Washington, it may be seen that he served continually during the late war of the rebellion, where he strived for no individual honor save the promotion of the country's best interests and welfare.

At the attack upon Fort Sumter, in the year 1863, he was very seriously injured by the recoil of a gun in the turret of the United States iron-clad Montauk. He fell, striking the back of his head on the iron deck, injuring his brain so seriously that he never recovered from the shock, but which finally brought on the disease of diabetes, from which he died on November 11, 1883.

In the year 1877 he was ordered to appear before the board of examiners for promotion to the grade of captain, but by reason of ill health and with the advice of his physician he refused the opportunity offered, knowing that he would be compelled soon after to retire.

In the year 1866 he was promoted for gallant services during the rebellion in preference to the claim of other officers who had entered the service at an earlier date.

Many of these officers have been restored to their old places on the Navy Register, thereby giving their widows the benefit of the rank of commodore, which enables them to draw an increase of pension.

And your petitioner further says:

That she is now receiving from the Pension Department of the United States the sum of $30 per month, but that she, as the widow of the late Commander Charles H. Cushman, who so conscientiously served his country that he deserved and did receive recognition and promotion, and whose Navy record excelled those of the aforementioned officers, should now receive that increase of pension as befitting the rank of commodore.

That your petitioner does not pray for this increase for reason other than absolute necessity. That the death of her husband left her with a large family entirely unprovided for, and that her present allowance of pension is inadequate to the necessities of living.

And your petitioner further says:

That there have been numerous cases where, under like circumstances, pensions have been increased by special act of Congress.

That the following named cases, which appear upon the official document of the Pension Office, at Washington, are precedents which your petitioner most respectfully submits to this honorable body: Widow of Maj. Robert Anderson, United States Army; widow of Lieut. Col. Zachary Taylor, United States Army; widow of Capt. John Gallagher, United States Navy; widow of Maj. Levi Twiggs, United States Marine Corps; widow of Lieut. Frederick Collins, United States Navy.

That the grade of commander in the Navy ranks with that of a lieutenant-colonel in the Army; that of a lieutenant-commander in the Navy with a major in the Army.

By the examination of the cases above cited it will be seen that the widow of the late Lieut. Col. Zachary Taylor received an increase of pension by virtue of her husband's rank, and that the widow of Lieut. Frederick Collins did also receive the same; hence your petitioner, as a widow of a commander, United States Navy, which position

is co-equal with that of lieutenant-colonel, and superior to that of lieutenant, should likewise be entitled to a corresponding increase.

And your petitioner further says:

That Commander Charles H. Cushman refused the offer of promotion to captain solely by reason of his high sense of honor, knowing that should he accept the same his condition of health would render impossible the faithful performance of the duties of the office required of him.

Wherefore your petitioner prays that a special act of Congress be passed giving unto her an increase of pension from the rate of $30 per month to $50 per month.

And your petitioner will ever pray.

Dated at Buffalo, on the 15th day of January, in the year 1886.

NANNIE S. CUSHMAN.

STATE OF NEW YORK, *County of Erie, ss:*

Nannie S. Cushman, being duly sworn, deposes and says:

That she resides in the city of Buffalo, Erie County, New York; that she has heard read the foregoing petition by her subscribed, and knows the contents thereof; that the same is true to her own knowledge except as to the matters therein stated to be alleged on information and belief, and as to those matters she believes it to be true.

NANNIE S. CUSHMAN.

Subscribed and sworn to before me this 15th day of January, 1886.

E. CORNING TOWNSEND,
Notary Public, Erie County, New York.

SOUTH OYSTER BAY, L. I., *December* 2, 1884.

MRS. CHARLES H. CUSHMAN:

DEAR MADAM: It affords me pleasure to comply with your request to furnish you with a letter expressing my opinion of Commander C. H. Cushman and his services with me during the war.

I first became acquainted with Commander Cushman in 1861. He was ordered by the Department as executive officer of the steamer Massachusetts, under my command, which vessel was engaged on blockading duty at Ship Island and Mississippi Sound. It was upon this service (varied by the occasional interchange of hostilities with the enemy) that I first conceived a high opinion of his courage, his energy of character, and executive ability, which led to our subsequent closer official relationship.

Commander Cushman was my executive officer on the iron-clad steamer Onondaga, and assisted in superintendence of her outfit. He was detached from her on the James River, and followed me to the frigate Wabash, to take part in the attack on Fort Fisher. He participated in the attacks made on December, 1864, and January, 1865, and was wounded in the land assault upon that fort.

In 1868 I applied for Commander Cushman as an assistant in the Bureau of Equipment and Recruiting, Navy Department, which assistant was considered necessary by the Secretary of the Navy, owing to the unfinished work that had accumulated during the war. On this occasion he exhibited the most indefatigable industry and a praiseworthy tendency towards economy.

The foregoing statement will, I trust, not be understood as embracing all of Commander Cushman's war record. I have merely mentioned the service performed while under my command, and no one can dispute the fact that I had extended opportunities of forming a just estimate of Commander Cushman's qualifications as an officer, his attention to the duties devolving upon him, and his ability to execute them.

If the gallantry of an officer, combined with a high order of intelligence, presents any reason for an increase of his widow's pension, I may congratulate you now upon your successful appeal to Congress, for these qualities your husband doubtless possessed.

With respect and esteem, very truly yours,

M. SMITH,
Rear-Admiral.

WASHINGTON, D. C., *November* 30, 1884.

The late Commander C. H. Cushman served under my command, on board the United States monitor Montauk, as executive officer from October, 1862, to April, 1863.

The vessel left New York to join the North Atlantic squadron, under command of Admiral Du Pont, at Port Royal, S. C., on December 27, 1862, stopped at Hampton Roads and Beaufort, N. C., and reached Port Royal January 19, 1863. On January 25, under the orders of Admiral Du Pont, she anchored in Little Ogeechee River, and on the 27th attacked for several hours Fort McAllister, and again attacked it on February 1. These attacks were made for the purpose of reducing the fort to get at and destroy the Confederate steamer Nashville, then at anchor a few miles above it await-

ing a chance to get to sea. Failing in this purpose, we remained at anchor in the river below the fort, watching her closely until the evening of February 27, when she made her appearance, under steam, and run aground, at high water, above and near the fort. At early daylight the next morning (28th) we moved up the river and anchored about 600 yards below the fort and opened fire upon the Nashville at about 1,600 yards distant from her (disregarding the fire from the fort), and in a few minutes succeeded in planting a shell in her which set her on fire, and she finally blew up and was utterly destroyed. In dropping down out of range of the fort a torpedo, which had been planted in the channel by the Confederates, exploded under her bottom and caused a serious leak which our pumps could not control, but by running her aground we were enabled to partially stop the leak, and in that condition, with pumps working all the time, we reached Port Royal, where the damage was repaired through the agency of a machine-shop established there by the Navy Department.

On April 7, 1863, we participated in the attack upon the defenses of Charleston by the iron-clad squadron under the command of Admiral Du Pont. This ended my active service in command of the Montauk. A few days later I was detached from her on account of bad health, and returned home. Lieutenant Cushman remained on her and did efficient service later.

During the time included in the above sketch of the services of the Montauk under my command, Lieutenant Cushman, as her executive officer, exhibited at all times and without pause a high degree of intelligence, zeal, and industry in the performance of the duties devolving upon him.

In fitting and equipping the vessel for service, in the trying passage along the coast, and in the several engagements mentioned, he was equally spirited and efficient in the discharge of his duties. His conduct throughout our service together commended him to my official and personal respect and regard.

JOHN L. WORDEN,
Rear-Admiral, U. S. N.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 567.

IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1886.—Ordered to be printed.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill H. R. 6661.]

The Committee on the Judiciary, to which was referred House bill 6661, entitled "An act to provide for closing up the business and paying the expenses of the Court of Commissioners of Alabama Claims, and for other purposes," respectfully reports:

That it recommends the passage of the bill amended by striking out section 5 of said bill, and inserting in lieu thereof the words printed in italics in the reported bill.

The act of March 3, 1873 (17 Stat. L., p. 601), passed before the payment by Great Britain of the Geneva award, provided that immediately on the payment of the money awarded the same shall be paid into the Treasury and used to redeem the public debt, and that an amount equal to the debt so redeemed should be invested in United States 5 per cent. registered bonds, to be held subject to the future disposition of Congress.

Pursuant to that act the $15,500,000 received was put into the form of a United States bond of that amount bearing interest at the rate of 5 per cent., payable quarterly.

In the year 1874 Congress passed the act entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the eighth of May, anno Domini eighteen hundred and seventy-one, between the United States of America and the Queen of Great Britain" (18 Stat. L., p. 245), under which judgments were rendered, and in the fiscal year 1876 paid to the amount of $6,641,287.26, and in the fiscal year 1877 there were paid of judgments under said act $2,674,465.93, making a total payment of judgments under the act of 1874 of $9,315,753.19.

The expenses of the court under said act as paid were, in the fiscal year 1875, $84,374.70; in the year 1876, $112,915.03; in the year 1877, $55,435.99, and in the year 1878, $505.40; total, $253,231.12. The result was that the total payments for judgments and expenses under the act of 1874 were $9,568,984.31, leaving a balance of the principal sum of $15,500,000 of $5,931,015.69.

By the act of June 23, 1874 (18 Stat. L., p. 245), it was provided that the moneys remaining of the Geneva award, after paying judgments

and expenses, should be turned into the Treasury and held subject to the future action of Congress.

By the act of June 5, 1882 (22 Stat. L., p. 98), provision was made for the payment, out of the balance of this fund, first, for direct losses sustained by the destruction of vessels, &c., by Confederate cruisers, not within the judgment of the Geneva Tribunal; and, second, for the persons who had paid war premiums on ships, cargoes, &c. This act provided in section 9 (22 Stat. L., p. 99)—

> That the whole amount paid out shall not exceed the amount remaining of the Geneva award and interest as it was when actually covered into the Treasury.

In the tribunal of Geneva the claims for war premiums and in respect of exculpated cruisers were not allowed, and therefore whatever may have been the legal or equitable effect of the Geneva award as made, as it respects ship-owners or insurance, there could have been no trust, legal or equitable or moral, in favor of the persons who had paid war premiums. The act of 1882 must as a consequence be considered to have been a mere act of benevolence to other sufferers than those whose cases the Geneva Tribunal thought to be fit subjects for relief as against Great Britain and in respect of which the money was paid.

The committee is of opinion that all premiums obtained by the United States from the difference in value between coin and currency at the time of the Geneva award or afterwards, or obtained from the sale of bonds of the United States sold to raise money to pay the former awards, belong to the Treasury and should not form any part of the sum out of which the judgments of the late Court of Commissioners should be paid. As the fifth section of the House bill covers all these premiums, the committee recommends that that section be stricken out and the words reported as an amendment thereto be inserted in lieu thereof.

The amendment provides for increasing the principal sum of the Geneva award by the amount of all interest received thereon by the United States, although that interest was received from bonds of the United States. This, the committee thinks, is as far as Congress ought to go, and is in accordance with the tenor and effect of the act of 1882, under which these last judgments were rendered.

Bills have been referred to the committee proposing to direct the Secretary of the Treasury to pay the amounts due in certain cases to parties other than those determined by the judgments of the Court of Commissioners of Alabama Claims. There are cases in which said court by its judgments has directed payment to assignees in bankruptcy or insolvency, or assignees under agreements for the benefit of creditors. In such cases it has been proposed to direct payment to the original claimants instead of to such assignees. The committee does not regard these propositions as within the legislative province of Congress, and therefore has not given to them its approval. Whatever questions may have been or may be raised relative to the interests here involved are judicial in character and resolvable by the courts and not by Congress.

MINORITY REPORT.

VIEWS OF MR. HOAR.

The undersigned cannot agree to the report of the committee. If any person be dissatisfied with the conclusion adopted by Congress, by large majorities, after full debate extending through many sessions, as to the proper disposition of the fund received from Great Britain under the Geneva award, and wish to reopen the question, there is a manly and direct way to proceed. The existing laws can be repealed; but to attempt to divert a large portion of this fund from its destination by a cheap and transparent juggle of book-keeping is a course which the Senate does not seem likely to sanction, if it understands it.

Great Britain paid to the United States $15,500,000 in gold, awarded by the tribunal at Geneva as damage sustained by the United States from the omission of an international duty. In exacting this reparation the United States carefully disclaimed any obligation of agency or trust for any individual whatever, and reserved the ultimate disposition of the money to be determined as Congress should deem just and equitable. Congress decided that no part of this money should be treated as public property, but that it should be distributed among those persons who were the most direct actual losers by the fault of Great Britain. It proceeded to impress upon it the character of a separate fund, and to declare a trust. There was little difference of opinion in regard to the class of losers whose vessels or cargo had been destroyed by cruisers whose departure from British ports would have been prevented but for the negligence of Great Britain. There was greater diversity of view as to the justice of other claims. But Congress at length decided that the persons upon whom the loss had fallen of keeping the American flag at sea when the Government was unable fully to discharge its own duty of protecting it should receive the fund in the following order:

First. Those who had sustained direct loss from the cruisers above named.

Second. Those who sustained direct loss from other Confederate cruisers.

Third. Those who paid premiums of insurance for war risks after the sailing of any Confederate cruiser.

Interest for a limited time is allowed the losers upon their claims. But that is immaterial, except for the purpose of division among themselves, as the fund will in no event be sufficient, after satisfying the first and second class, to pay more than about 50 per cent. of the third.

Congress has, from the beginning, treated the Geneva award as a separate fund, which, with its increment, was to be distributed among those to whom it should be awarded.

Statutes 1873, chapter 261, required the money to be invested in 5 per cent. registered bonds.

Statutes 1874, chapter 479, established a court "to make adjudication and distribution" among claimants of the first class above named, who were to be paid in full, "provided that if the sum of all the judgments rendered by said court shall exceed the amount received into the Treasury of the United States *as proceeds* of the sum to be paid by Great Britain," then there shall be a proportionate distribution. (Statutes 1874, chapter 459, sec. 14.)

Section 15 required the sale of bonds enough to pay the first class of judgments, and "if after the payment of said judgments there shall remain any part of the said money, *the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon.*"

Then came Statutes 1882, chapter 195, which provided for the two remaining classes of payments.

Section 7 provides:

> The judgments rendered by said court shall be paid out of the sum of money paid to the United States pursuant to article 7 of the treaty of Washington *and accruing therefrom.*

Section 10 provides that:

> If there shall remain any part of said money, *it shall be and remain a fund.*

Section 9 provides:

> The whole amount paid out shall not exceed the amount remaining of the Geneva award and interest *as it was* when covered into *the Treasury.*

This took place March 31 and June 30, 1877, by virtue of the statute of 1874. Is it not absolutely clear from these statutes that the words "the Geneva award and interest" here used mean not merely what is left of the gold received from Great Britain and interest, but that fund with what has "accrued therefrom," the award as it then was with the result of its investment?

The conclusion seems irresistible that it was the intent of Congress to create a fund to be managed by the nation as trust funds are managed. When Congress created a court and invited the claimants to establish their demands, it meant to promise, and did promise, that this fund, with its accretions and accumulations, should, after paying all expenses, be distributed, as far as it would go, in satisfaction of their claims until they were fully satisfied.

The fund has always been preserved and managed on this theory by every Secretary of the Treasury since it was reserved. This management has been reported to Congress year by year. Every Treasury report has so stated the account. Although the whole matter of the Alabama claims and the award at Geneva has been one of great interest, frequently discussed by the ablest men in both Houses, there has been no suggestion of disapproval.

Great Britain paid the money in gold September 9, 1873. This money was invested in gold-bearing bonds of the United States, bearing 5 per cent. interest. Such bonds of the United States were not at that time above par in gold, the premium at which they were quoted being the difference then existing between gold and currency.

The judgments of the first class were paid in currency, as per Treasury statements of June 30, 1876, and June 30, 1877, amounting to $9,315,753.19. The money for their payment was raised by selling gold bonds to the amount of $8,350,000. This left an unexpended balance of $26,799 of the amount received for this gold.

The effect of the amendment proposed by the majority of the committee will be to state the account with the fund as if these judgments had been paid in gold. Their claims were all estimated on a currency

basis, and would have been considerably less if estimated on a gold basis. This appears from the decision of the court in the cases cited in Judge Shellabarger's letter below. The claimants of the first and second class get full compensation. But the United States is asked in distributing to the claimants of the third class the fund which it awarded them to pretend that it has already paid $115 whenever it paid $100, and put the difference into its own Treasury.

If any trustee, any guardian, any executor, should attempt to sell a quantity of gold belonging to the estate, pay the debts in currency, credit himself as if he had paid in gold, and pocket the difference, he would not only be removed from office, but would be driven from the society of honest men. If the proposed amendment be adopted, the theory that the sum paid out is the sum received with its increment ought wholly to be abandoned. The author of the amendment strikes out of the text of the bill the words "judgments rendered by the said court *against the Geneva award fund.*" But he still admits that there is a fund to which by the legislation now in force these citizens are entitled. He allows interest with quarterly rests from the time the money was received from England until, under the statute of 1874, the money was paid into the Treasury. This concession in principle covers the whole question in dispute.

If the statement of the account shall be made by act of Congress, as proposed by the House bill, these reasons seem clearly sufficient for rejecting the committee's amendment as in violation of the previous decision of Congress and flagrantly inequitable and oppressive.

But if there be a fair difference of opinion in the Senate as to the true intent and meaning of the existing law, the fair way is to provide for a judicial determination of the question. An amendment is therefore submitted which provides for winding up the court, for the immediate distribution of what is admitted on all hands to belong to the fund, and for a prompt judicial decision by the Supreme Court of the United States of the question of the proper statement of the account if anything further be claimed.

A letter from the Secretary of the Treasury to Hon. J. Randolph Tucker, chairman of the Judiciary Committee of the House, letters from Hon. Samuel Shellabarger, giving the views of his clients, a draft of the proposed amendment, and extracts from the statutes are annexed.

GEO. F. HOAR.

TREASURY DEPARTMENT,
Washington, D. C., April 22, 1884.

SIR: The Department is in receipt of your communication of the 12th instant, in which you request that answers to certain inquiries contained in a paper inclosed therein be communicated through you to the Committee on Judiciary.

The inquiries referred to are as follows:

"What was the amount of gold sold by the United States in the years 1875, 1876, and 1877, the proceeds of which were to be used to pay the judgments of the Court of Commissioners of Alabama Claims in the years 1875, 1876, and 1877, and the dates of said sales, together with the amount of premium in United States paper currency upon the gold thus sold, together with the market premium above the par value of the bonds which represented the gold, and whether these amounts of premium upon the gold and upon the bonds were accredited or added to the so-called 'Geneva award fund,' or were credited to the miscellaneous moneys in the Treasury; and to state also the aggregate amount separately of the premium upon the gold and the premium upon the bonds, and also the amount of accrued interest at the rate of 5 per cent. per annum from the said Geneva award fund from the time it was paid into the Treasury of the United States, September 8, 1873, up to the 31st of March, 1877; and also what disposition, if any, has been made of the balance of said fund since the 31st of March, 1877?"

In reply thereto I have the honor to state that of the amount awarded by the tribunal of arbitration at Geneva, originally invested in United States 5 per cent. bonds, there was sold from time to time as judgments rendered by the Court of Commissioners of Alabama Claims became payable the sum of $8,350,000, on which was realized in currency the sum of $992,522.19 as premium on the sale of an equal amount of coin. From the sums thus obtained judgments were paid from time to time to the amount of $9,315,573.19, leaving unexpended a balance of $26,799.

The balance remaining of the amount originally invested, viz, $7,150,000, together with $2,403,800 accumulated interest on the whole fund, was covered into the Treasury March 31, 1877, and in the quarter ending June 30, 1877, the further sum of $123,305.89, accumulated interest, was also covered into the Treasury, which, with the unexpended balance of $26,799, above referred to, making a total of $9,703,904.89, remains available for future disposition as provided by law.

The premium received in coin from the sale of the bonds referred to and the premium in currency realized from the sale of such coin amounted to $344,393.88, and $40,706.19, respectively, or a total of $385,100.07, which was covered into the Treasury as a miscellaneous receipt.

The following table will show more clearly the several amounts of principal, premium, and interest above referred to:

BONDS SOLD.

Principal		$8,350,000 00
Premium on coin represented by principal		992,552 19
Total		9,342,552 19
Judgments paid		9,315,753 19
Balance unexpended		26,799 00
Balance of principal	$7,150,000 00	
Accumulated interest	2,403,800 00 123,305 89	
		9,677,105 89
Balance in the Treasury available for future disposition as provided by law		9,703,904 89
Coin premium on bonds sold		344,393 88
Currency premium on above		40,706 19
Total carried into the Treasury as miscellaneous receipt		385,100 07

Referring to that part of your communication which relates to interest on this fund, I would respectfully call attention to section 15 of the act of June 23, 1874 (18 Stat., p. 249), which provides among other things that * * * 'upon the payment, from time to time, of the said respective judgments of said court, as before provided, the bonds of the United States mentioned in the act approved March 3, 1873, * * * shall be canceled and extinguished to the amount of such payments; and when all such payment shall have been made any such bonds remaining shall be also canceled and extinguished." * * * It will thus be seen that the bonds in which the residue of the fund was invested ceased to bear interest from and after March 31, 1877, the date of their cancellation.

I would also call attention to the fact that the act of June 23, 1874, above referred to provides that the expenses "as therein provided" shall be reimbursed from the balance remaining of the fund after payment of the judgments rendered by the court created thereby.

The Department has not yet been called upon to decide what expenses are properly chargeable to the fund, but the following may be cited as examples:

Payment of salaries of the judges and other officers authorized by act of June 23, 1874, and the expenses of said court (18 Stat., 249), $254,111.72, as follows:

For the fiscal year 1875	$84,374 70
For the fiscal year 1876	112,915 03
For the fiscal year 1877	56,821 99

Amount paid for advertising sale of bonds on account of Geneva award fund (17 Stat., 601), $470.90.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

Hon. J. RANDOLPH TUCKER,
Chairman Committee on Judiciary, House of Representatives.

WASHINGTON, D. C., *April* 15, 1886.

SIR: We understand that some disposition is apparent in Congress to so amend the House bill, now under consideration in the Judiciary Committee of the Senate, relating to the Geneva award fund, as to treat the $15,500,000 of gold, received, under the Geneva award, from Great Britain, in such way that the same number of dollars, in our currency, shall be divided, plus interest at 5 per cent. up to the 31st of March, 1877, as was received in gold from Great Britain, and no more.

Stated in another way the proposition is (excluding now the matter of interest), to charge against the $15,500,000, in gold received, all the judgments and expenses hitherto paid by the Government in its currency, each dollar of currency paid out to be made to extinguish one of the gold dollars received from Great Britain. So that when $15,500,000 in our currency is paid out, the principal received from Great Britain will be extinguished, and the fund exhausted.

We venture to suggest to you some views in objection to the adoption of this rule, at this late time in the history of this fund. One objection of exceeding force is that it is an abandonment of the principle upon which the fund has been administered hitherto, and which abandonment, at this time, works, as between the judgment creditors of the second class and the Government, and also as between judgments of the first class and the second class, palpable injustice.

Up to the present time both the Congress and the courts have dealt with this gold fund upon a principle radically different from the one now proposed, to wit, upon the principle that this gold fund should, both in the matter of rendering judgments payable therefrom, and in the matter of its management, investment, and distribution by the Government, be converted into our currency and distributed as such.

In other words, that, in rendering judgments, and in making distribution under the laws of Congress, the thing to be divided was not the gold itself, but its equivalent in the currency of the United States; that at all times, both in rendering judgments and in making distributions and striking balances, the amounts of recovery, of investment, and of balances should be adjudged, awarded, declared, and divided in values expressed in our currency, and which values should, in the grand aggregate distributed, be equivalent to the values which the gold received from Great Britain had at the time of the conversion into our currency, plus the value of all increments.

In a letter addressed to you, upon the 24th of March ultimo, upon this subject, a copy of which we herewith hand you, and beg that it shall be made a part of this communication, we gave a history of the legislation which has administered this fund, and also extracts from the official reports showing the details of that administration. We beg now to add some suggestions, in addition to the statements contained in that letter, showing that the above-named plan of winding up the administration of this fund, is an abandonment of the principles of its administration hitherto, and results in ruinous injustice to judgments of the second class, of which we represent over $2,000,000, face value.

To show that Congress has, hitherto, dealt with this fund upon the principle which we have above suggested (namely, of rendering all judgments, of both classes, not for the value lost, in gold dollars, but for the currency value; and upon the principle of accounting, to the owners of the judgments, for the values realized by the Government from time to time in our currency, from the proceeds of the gold received), please observe the following facts:

At the time of the passage of the act of June 5, 1882, re-establishing the Alabama Court, the reports of the Secretary of the Treasury showed that the Government had dealt with this fund as follows:

Face value of bonds sold (see third page of Secretary's report of 1876)	$5,883,000 00
Premium, of coin face, in currency of these bonds	730,826 12
Face value of bonds sold, second sale (page 3, Secretary's report of 1877)	2,467,000 00
Premium, in currency, of coin face of bonds, second sale	261,726 07
Aggregate	9,342,552 19
Subtract aggregate of judgments of first court	9,315,733 19
Balance of proceeds of sale *and premiums* unexpended in payments of judgments	26,790 00
Add as follows:	
Balance of unexpended principal (after subtracting $8,350,000, face value of bonds sold, from $15,500,000)	7,150,000 00
Aggregate of accumulated interest	2,527,105 89
Making the balance in the Treasury (exclusive of the $355,100.07 currency value of gold premium, credited to miscellaneous receipts)	9,703,104 89

(See details of this in the Secretary's letter to Mr. Tucker of the 22d of April, 1884.)

So, incontestibly, stood the official *reports*, showing the administration of this fund as the fund, and its proceeds, were exhibited to Congress at the time of the enactment of the act of the 5th of June, 1882; and this administration so exhibited to and pressed upon the attention of Congress, at the date of said last-named act, fixes the true signification of the words of that act to which we now beg attention.

(1) Notice that the seventh section of this act of June 5, 1882, in express words, provides and requires that the fund out of which the judgments of both classes shall be paid, shall be an aggregate, not made up of *merely* the sum of money paid to the United States pursuant to article 7 of the treaty of Washington, but an aggregate made up of that sum plus the moneys "accruing therefrom." That is to say the $15,500,000 and all increments arising from that fund are here expressly pledged, by the act of 1882, to the payment of these judgments.

(2) We have seen by the figures above stated, taken along with those given in our letter of the 24th of March, 1886, that the thing "covered into the Treasury," on the 31st of March and the 20th of April, 1877, was not the balance of gold dollars, plus interest, then remaining of those received from Great Britain, and unexpended, but was a balance which was obtained by adding to the number of gold dollars received from Great Britain, $992,552.19 currency *premium* on sales of $8,350,000 of bonds, plus $2,526,305.89 of accumulated interest—these exclusive of the $385,107.07 which was realized, as coin premium, on sales of bonds, and as premium, in currency, on the sale of the coin premium.

Again: The last clause of the ninth section of this act of June 5, 1882, expressly makes the Geneva award fund, which was to be paid out in satisfaction of judgments authorized by that act, to be the Geneva award fund and interest "as it was when actually covered into the Treasury." Therefore, since the thing "covered into the Treasury" was definite, exact, and expressly shown by the report submitted to Congress, therefore the language of this clause of section 9 is unmistakable. It makes the fund, which was to be applied to the judgments to be the thing covered into the Treasury, as "it was when actually covered into the Treasury."

Thus, as seems to us, a demonstration is reached that the thing *dedicated* by the act of 1882 to the payment of these judgments was the fund, remaining, expressed in our currency and so reported to Congress as covered into the Treasury by the Secretary.

Thus we have shown that Congress has, in fact, as stated above, regarded the Geneva award fund as being that number of dollars in our currency, which would be equivalent, in value, to the gold received plus all that "accrued therefrom," and which our currency was made to represent in the administration of this fund, as it was administered, in rendering judgments, in paying judgments, and in covering balances into the Treasury.

We now turn to the other point stated above, namely, that the *courts* have dealt with this gold, received from Great Britain, as a *commodity*—as merchandise—the value of which was to be resolved into our currency, in all dispositions thereof by judgment or otherwise, and that all judgments and distributions were rendered and made upon the principle that the gold received was to be treated as a *commodity*, whose value was to be represented, adjudicated, and divided in amounts and values equivalent to the gold, but expressed in our currency. Upon this point there is no room for disputation, hesitation, or doubt.

In Senate Ex. Doc. 21, Forty-fourth Congress, second session, in the case of Hubbell *vs.* United States, No. 278; Sherman *vs.* United States, 279; Gilman *vs.* United States, 1131, will be found the court's first adjudication upon this point.

There the court was brought to the question as to what amount a party who *had purchased* commodities *with coin* should recover a judgment for. The two opposing contentions, to wit, by the Government and by the claimants are stated on page 77.

The contention of the Government was that the judgment for goods purchased in coin, or in currency, other than the currency of the United States, should be for a sum, in our money, equivalent to the value of the coin paid in making the purchase, as such value was *at the time of the judgment*. The opposite claim was that the judgment should be for the value, in our currency, of the coin paid in making the purchase, as such value existed *at the date of the purchase*.

To illustrate. If, at the date of the purchase, $100 in gold would make the purchase, but it required $200 in greenbacks to make the *same* purchase. then one contention was that the judgments must be for $200. The other contention was, that if, *at the date of the judgment*, $110 in our currency would make the *same* purchase as $100 in gold would make, then the judgments must be for $110.

The court adopted the *former* of these contentions and so rendered all its judgments, giving a judgment for $200 for what had cost in gold, the loser, $100, if two to one were the relation between our currency and gold.

The court further held that, where the purchases or other expenditures were made in our currency, the judgment, whether for the loss of a ship or other property, should be

for the same number of dollars as the thing lost had cost the judgment creditor, or was worth, to him, in our currency.

Now notice the startling effect which the proposed change in the principle of the administration of this fund will have as between judgments of the first and second class. The result will be this: That every judgment of the first class, both under the new and the old court, has been one for the value of the thing lost *expressed in our currency.* Therefore every judgment of the first class hitherto rendered is for that number of dollars which the thing lost, and represented by the judgment, cost the judgment creditor or claimant in our currency; and if the thing lost cost him, in our currency, $200 and was only worth $100 in gold, yet the claimant recovers his judgment for $200.

Hence, if the fund is to be administered as a gold fund, not resolvable into our currency, then this enormous injustice is done to judgments of the second class, namely, that all creditors of the first class have not only priority and full payment, principal and interest, before a judgment of the second class can come in at all, but they, in addition, have the right to use up $200 *in gold* of the Geneva award fund where the value of the thing lost was, in gold, only $1, provided that were, as it often was, the difference between gold and our currency.

As already stated, the court, in rendering judgments, resolved all values into that value which the property lost had at the time of the loss, as such value was expressed in currency, and the judgment was for that amount. The losses for which both the first and second court had jurisdiction to render judgments of both classes, were the losses occurring between the 13th day of April, 1861, and the 9th of May, 1865. The prices of gold during that period ran as follows:

First half of year, 1862, from	103½ to 109
Second half of year, 1862, from	109 to 133
First half of year, 1863, from	133 to 171
Second half of year, 1863, from	145 to 156
First three months, 1864, from	157 to 167
Second three months, 1864, from	166 to 250
Third three months, 1864, from	220 to 285
Last three months, 1864, from	190 to 242
First three months, 1865, from	151 to 229
Second three months, 1865, from	130 to 142½

Such flagrant injustice, as against judgments of the second class, was never contemplated by Congress, and seems to us to be quite shocking to the ordinary sense of justice and fair dealing.

The history of this legislation shows conclusively that the intention of Congress was to give judgments of the first class no *other* advantage or preference except priority of payment. It was never dreamed of that judgments of the first class should not only have priority of payment, but that they should take *two* dollars *in gold* out of the gold received from Great Britain, and reduce the fund by that amount, as against the second-class judgments, for every *one* dollar, in value by them lost—not only this, but that they should have interest upon these $2; not only that, but that these second-class judgments should not be paid, either principal in full, or any interest.

We have said that the history of this legislation shows no such inequality was meant. In vindication of this statement suffer us to refer you to the minority report made the 1st of April, 1884, being House Report No. 1032 of the Forty-eighth Congress, regarding a bill for extending the duration of the Alabama court, and discussing the relative merits of the two classes of claimants. In that report the minority declares, speaking of the estimate by Congress, of the amount of judgments of the first class, as estimated by Congress in passing the act of June 5, 1882, that—

"Inasmuch as the amount of the losses was estimated as only about $1,200,000, it was thought best to give them preference, especially as it was then supposed that *war premiums would be paid in full by the surplus.* * * * So far as other claims of all classes were concerned, there were hopes entertained that *even after the war premiums were paid* there would still be money left in the Treasury, and Congress expressly reserved the right to dispose of such excess, if any should result."

Again, the same report speaking of the relative merits of the first and of the second class says of the war premium men:

"They are really, in the opinion of most of those who have carefully considered all the facts, the most meritorious claimants of all, and who actually furnished the money now in the Treasury."

This minority report was one whose views prevailed in the legislation then pending, and may therefore well be pointed to as indicative of the state of opinion in Congress. The Hon. Luke P. Poland approved the minority report, but added this statement:

"I am opposed to the bill of the majority for the reasons above given [in the minority report], but if the money received on the Geneva award is to be given to either of the

classes provided for in the act of 1882, I think the classes *should have been reversed*, and the war-premium payees should have been the first class, as they had a much better right than the first class, for whom no part of the award was received."

We might, indefinitely, add to the considerations showing the exceeding hardship which will result from a radical change, at this late day, in the administration of this fund, of the principles upon which it is to be administered. The proposed change abandons the trust obligations recognized and created by the dedication of the fund made by the act of March 3, 1873, by which the fund was by that act, with its interest, for ten years dedicated to those who should thereafter be declared best entitled to the fund and its accretions. It abandons the principle of resolving all the gold values into our currency. It abandons the principle of accounting for premiums actually realized. It unjustly abandons the principle contained in the act of 1873 of allowing interest on the fund after June 30, 1877, the *original* principle upon which the fund was invested by Congress under the act of 1873 (17 Stats., 601), being to continue the interest, *at least*, during the life of the ten-year bonds, called for by that act. It abandons the principle of giving judgments of the first class *no other* advantage than that of mere priority. It pays judgments of the first class, for *one* dollar of gold expended, *two* dollars and interest in the gold of the Geneva award fund, provided the premium in our currency was at that rate. It does this after the legislation has pledged to the judgment creditors the specific rights, trusts and equities, which we have above pointed out, as arising out of the act of 1882, and especially out of that of March 3, 1873.

We will not extend, as might readily be done, the exhibition of these hardships, now proposed to be inflicted upon judgments of the second class, and ask pardon for the extent to which we have troubled you. With great respect, we are,

Yours very sincerely,

SHELLABARGER & WILSON,
By S. SHELLABARGER.

Hon. GEORGE F. HOAR,
Chairman Subcommittee on the Judiciary of the Senate of the United States.

WASHINGTON, D. C., *March* 24, 1886.

DEAR SIR: At the request of Mr. Stevens and on his suggestion that the following would possibly be of some service to you, we make the following statement:

The point upon which the suggestions below arise grow out of the provisions of the bill for settling Alabama claims now pending in the Senate, which is expressed in the following words:

To the sum of $9,703,904.89, this being the amount of the said Geneva award fund remaining in the Treasury, as disclosed by the report of June 30, 1877, and the letter of the Secretary of the Treasury to the chairman of the Judiciary Committee of the House of Representatives, dated April 22, 1884, shall be *added the premium* realized from the sale of certain bonds in which the said fund was invested, namely, the sum of $385,100.00, making $10,089,004.96."

The question submitted is one asking upon what principle is the addition made of this $385,100.07 of premium, realized from the sale of certain bonds in which the said fund was invested, added to the $9,703,904.89, the amount of the fund remaining in the Treasury, &c.

The answer to this question seems to involve and require some detailed attention to the history of this Geneva award fund, and some attention to the legislation, from time to time, which has controlled the disposition and management of that fund.

It is, of course, not necessary here to discuss the character of this Geneva award fund as regards the question whether the Government has treated it as a "national" fund, subject to the absolute control of the Government, through its legislation, or whether, on the contrary, it was received by the Government as subject to a judicially cognizable trust, in favor of private owners, which placed the fund, in some sense, beyond the absolute political control of the Government, as distinguished from a control and disposition through the interposition of the judiciary. It is settled that the fund was received as a national one, subject to the political control of the Government. But it is now also thoroughly settled, in view of the character of the claims presented at Geneva—of the provisions of the treaty under which they were as private claims presented—of the decision by the abitrators that "there was no ground for awarding to the United States any sum by way of indemnity for general expenses of the war," and of the fact that the award, under the seventh article of the treaty, was for the gross sum of $15,500,000 for the satisfaction of the claims of individuals submitted to the tribunal, and of the further fact that these claims were extinguished by the award—that, although this fund is a "national" fund, which Congress must dispose of according to the *political*, as distinguished from the *judicial*, pleasure of the Government, it remains, at the same time, true that the fund has

impressed upon it that which creates a political *obligation* to distribute it according to the equitable rights of the persons whose claims were extinguished by the award, and whose equities Congress should decide to be the highest.

So this matter has been decided in Congress, and so it has been decided in the Court of Claims. The words of the last-named court are:

"But inasmuch as the money was paid for *private claims* and was a gross sum paid for all such claims, without mention of any individual one, there was a necessity for an official and authoritative ascertainment of those which should be paid." (19 Court of Claims, 218, 219.)

We therefore must, by necessity, start out, in considering the question of the propriety of allowing the premium realized from the sale of bonds, with the underlying and controlling principle just stated, namely:

(1) That there is here no absolutely controlling rule or principle of law applicable to the fund which is not subject to the pleasure of Congress.

(2) That, while this is true, there yet remains, for the determination of the question of allowing this premium and the like, the *same* considerations for the guidance and control of Congress which induced the original and succeeding legislation upon this subject, namely, that the fund *and the fruits thereof* ought to be administered *justly* and in the interest of the claimants to whom the fund was devoted by the legislation of Congress.

We now turn to this legislation of Congress for the purpose of showing that the principle upon which Congress has hitherto *in the main* proceeded is that the fund ought, by Congress, to be treated, during the period in which it might remain undistributed, not as a barren fund, but, on the contrary, as one that was capable of bearing and which ought to be made to bear fruit for the benefit of those to whom, under the solemn decision of Congress, it was devoted; and that both the original fund and its fruit ought to be devoted to the satisfaction of the said extinguished claims, decided by Congress in the legislation of 1874 and 1882 to have the highest equity.

We shall endeavor to avoid encumbering this statement with any part of the aforesaid legislation except that which bears upon the question of the purpose of Congress, from the beginning, to devote the *fruits* of the original fund, as well as the fund itself, to the payment of said claims.

It is worth while to notice, as bearing upon the question of the propriety of Congress allowing premium, interest, and other fruit of the fund, that the tribunal at Geneva carefully considered that question and decided it. They stated, in the award, expressly that "it is just and reasonable to allow interest at a reasonable rate" upon the claims extinguished by the aggregate award made. This award bears date the 14th of September, 1872

The first act passed by Congress providing for the receipt of this money from Great Britain is the one approved March 3, 1873 (17 Stats., 601), which, after providing that upon its being paid to the United States, and requiring that "the same shall be paid into the Treasury and used to redeem, so far as it may, the public debt of the United States," added this clause:

"And the amount equal to the debt so redeemed shall be invested in 5 per cent. registered bonds of the United States, to be held subject to the future disposition of Congress."

Thus you see that, although the specific moneys derived from Great Britain were used to extinguish the public debt, so far as they went, yet the act carefully preserves the original fund, and 5 per cent. interest thereon, in the shape of registered bonds, and that principal and interest were the things expressly enacted to be "the fund" which should "be held subject to the future disposition of Congress." It was not the $15,500,000 alone, but that plus 5 per cent. interest that was to be so held and treated.

The next act upon the subject is that of June 23, 1874 (18 Stats., 245), which provides for the creation of the first Alabama court and the adjudication of claims, &c.

The eleventh section defines the class of claims which might be allowed.

The twelfth section excludes certain classes which might otherwise come within the eleventh section.

The thirteenth section, in allowing compensation for admitted classes, allows interest at 4 per cent. per annum upon the actual loss, from the adjudged date of the loss, not allowing the interest, however, to be included in the judgment, but requiring it to be separately certified. The fourteenth section provides for the payment of these judgments and the certified interest, and if the fund, received into the Treasury from Great Britain, should not pay the judgment in full, then they were to be paid *pro rata*.

The fifteenth section requires the Secretary to pay the judgments out of any moneys in the Treasury not otherwise appropriated; and, for that purpose, authorizes him to sell certain described bonds, bearing 5 per cent. interest, redeemable at the pleasure of the United States, in coin, after ten years; and upon such payments being made from time to time of such judgments, it required that the bonds of the United States, mentioned in the above-named act of the 3d of March, 1873, be canceled to the extent of the

aggregate judgments and interest so paid; and that when all the judgments were paid the bonds remaining and authorized by the act of 3d of March, 1873, were to be canceled; and after the payment of the said judgments and the reimbursements of the expenses herein provided, if there shall remain any part of the said money, the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon.

Under the above-named act of the 3d of March, 1873, a single bond was issued, of date of May 1, 1871, No. 1, for $15,500,000, "in trust to be held by the Secretary of State, subject to the future disposition of Congress," as provided in the act approved March 3, 1873, the issue being under the act of July 14, 1870, amended by the act of January 20, 1871, and redeemable at the pleasure of the United States after the 1st of May, 1881, in coin, with interest in coin, from the date of the bond, at 5 per cent., payable quarterly—on the 1st of February, May, August, and November—and exempt from taxation, Federal or State.

The payments of judgments and interest rendered by the first court, and *before* its extension, amounted to $6,641,287.26, as appears by the report of the Secretary of the Treasury, dated December 4, 1876, for the fiscal year ending June 30, 1876. (See page 5, near bottom.)

On page 3 of the same report, near bottom, will be found that, in obedience to the provisions of the fifteenth section of the act of the 23d of June, 1874, creating the first court, bonds were sold for the purpose of meeting these judgments of the *face* value of $5,883,000, and that they realized to the Treasury $6,613,826.12.

This sum of $5,883,000 of bonds sold, subtracted from the $15,500,000, the amount of the above-named bond, leaves $9,617,000. For this balance a new bond was issued for $9,617,000, dated the 1st of May, 1871, in which the United States declared themselves to be "indebted to the Hon. Hamilton Fish, Secretary of State, in trust, under the provisions of the act of Congress approved March 3, 1873," for that sum. This bond is in the same terms as the $15,500,000 bond, with the exception that it is for the less amount.

On the 24th day of December, 1875 (19 Stats., 1), Congress passed the act extending the existence of the said court to the 22d day of July, 1875, with the same powers and duties as under the original act.

On the 22d of July, 1876 (19 Stats., 96), Congress again extended the time of the court to the 1st of January, 1877, with the same powers and duties as under the original act.

On the 15th of February, 1876 (19 Stats., 3), Congress passed a law the first section of which required the court, as soon after the 22d of January, 1876, as practicable, to report to the Secretary of State the judgments which before or on that date had been rendered by the court.

The second section of the act required the court to report to the Secretary of State the judgments rendered from the 22d of January to and including the 22d of July, same year.

The third section required, when the report was made, under the act, to the Secretary of State, that he should transmit the same, or a copy, to the Secretary of the Treasury, who was required, without delay, pursuant to the said act of June 23, 1874, to pay the judgments specified in the cartificate, with interest on the principal at the rate of 4 per cent. per annum from the date of the loss, as certified, until the Secretary of Treasury shall *give notice* for the payment as provided in section 14 of the said act.

Under these extensions of the life of the court judgments were rendered and interest paid to the aggregate amount of $2,674,465.93, as appears by the report of the Secretary of the Treasury, dated December 3, 1877, and covering the fiscal year ending June 30 of that year. (See page 5 of said report, near bottom.)

To meet these judgments another sale of bonds was made under the fifteenth section of the act of 1874, the face value of which was $2,467,000, as will be seen by the letter of the Secretary of the Treasury of the 22d of April, 1884, named below. This sale netted in currency, as appears at the bottom of the third page of said report of 1877, the sum of $2,728,726.07.

The amount of	$2,467,000 00
Being the face value of the second sale of bonds subtracted from the above-named bond of	9,617,000 00
Leaves a balance of	7,150,000 00
The *proceeds* of the two *sales* of bonds above named, made under the fifteenth section of the act of 1874, aggregate	9,342,552 19
The two sets of judgments under the first court and its extensions above named aggregate	9,315,753 19
Subtract the latter from the former, leaves an unexpended balance of	26,799 00

See also, as to all this, the above-named letter of the Secretary of the 22d of April, 1884. These show that "the fund" was credited with the premium realized on each of said bond sales.

Near the bottom of page 3 of the last-named report of December 3, 1877, will be found an entry in the following words: "Bonds canceled and accrued interest (Geneva award fund), $9,677,105.89."

This fund is obtained as follows:

If you subtract from the above-named bond of $9,617,000 the amount ($2,467,000) of the last sale of bonds above named, you obtain $7,150,000. To this the Treasury officials added interest upon the fund (and denominated "accrued interest" in the above-named report) $2,527,105.89, making the $9,677,105.89 stated at the bottom of page 3 of said report. Add to this the above-named sum of $26,799, unexpended balance, and you have the sum first named in the House bill, to wit, $9,703,904.89.

As to this allowance of interest, the reasons therefor, and the dates from and to which computed, see further in the above-named letter of the Secretary of the 22d of April, 1884.

Thus is obtained the aggregate named in the fifth section of the House bill now pending in the Senate, to wit, $9,703,004.89.

Thus the matter stood at the date of next legislation by Congress of the 5th June, 1882. (22 Stats., 98.) This legislation revives the old court with the obligations, powers, and duties conferred by the act of 1874, except as modified by this act.

It divides the claims of which the court is given jurisdiction into two classes.

The fifth section makes the first class to be for claims directly resulting from damages on the high seas by Confederate cruisers during the late rebellion.

The second class is claims for the payment of premium for war risks, whether paid to corporations, agents, or individuals, after the sailing of any Confederate cruiser.

The seventh section of the act provides that "the judgments rendered by the court under this act shall be paid by the Secretary out of the money paid to the United States pursuant to article 7 of the Treaty of Washington, and *accruing therefrom*, not appropriated to claims approved under the provisions" of said act of 1874, or any act extending the time for filing claims under the act of 1874.

The eighth section requires judgments of the first class to be first paid, and if the money unappropriated is not sufficient to pay the judgments of the first class they shall be paid in the proportion they severally bear to "the whole amount of such unappropriated sum." It further provides that if such unappropriated sum is sufficient to pay the judgments of the first class, and not to pay the judgments of the second class, the latter "shall be paid according to the proportions which they severally bear to the residue of such unappropriated sum after the judgments named in the first class are paid."

The ninth section requires the court to certify to the Secretary of State the list of the judgments and decisions, stating the class and amount, with interest at 4 per cent. from the time of the loss to the 3d of March, 1877. It further requires the Secretary to certify a copy of this list to the Secretary of the Treasury, who is required, "as soon as may be, and upon such notice, and in such manner as he shall prescribe, to pay the said judgments out of any money in the Treasury not otherwise appropriated," according to the provisions of section 8.

It then provides that "the whole amount paid out shall not exceed the amount remaining of the Geneva award and *interest as it was when actually covered into the Treasury*. And so much of the money as may be necessary to carry out the provisions of this section is hereby appropriated out of any money not otherwise appropriated."

The tenth section appropriates for the expenses of the court, requires such expenses to be reimbursed out of the "unappropriated" fund before any judgments under the act were paid, and then provides that, after reimbursement of the expenses authorized by the act and the payment of the judgments rendered thereunder, if any money remains "the same shall be and remain a fund from which Congress may hereafter authorize payment of other claims thereon."

The next act is that of June 3, 1884 (23 Stats., 33). Its first section extends the duration of the court to the 31st of December, 1885.

Its third section requires the court to proceed with all convenient dispatch to the adjudication of claims of the first class, and that as soon as the court is satisfied that the aggregate of the judgments of that class, with interest at 4 per cent. from the time of loss to the 31st of March, 1877, will not exceed the unappropriated amount of the award remaining in the Treasury after the payment of all lawful expenses, the court should report a list of the *first* class judgments to the Secretary of State, who is to transmit a copy thereof to the Secretary of the Treasury, and the Secretary of the Treasury is required, out of "the unexpended balance of the said award, to pay the judgments of the first class so reported with interest as aforesaid."

The court is further required, from time to time, to report other judgments of the

first class, if any, to the Secretary of State, to be transmitted to the Secretary of the Treasury and paid in the same manner, until the whole of the first-class judments are paid. And the section appropriated the money necessary to pay the first class, with interest, out of any moneys in the Treasury *received from said award not otherwise appropriated.*

The foregoing embraces all the legislation affecting the present question.

The matters gone over enable us now to consider the question whether Congress so dealt with and treated this fund as to so far impress upon it the character of a trust fund as to show that it should be made to bear fruit for the purposes to which Congress decided to dedicate the fund and its fruit, whether such fruit were in the shape of interest, premium, or otherwise. We insist that such is the dedication made by Congress, and such the character of the fund as given to it by the facts of the above history.

The considerations to which we point as showing this to be the character of this fund, as given to it by legislation, may be summarized as follows:

(1) As already remarked, the award was made up by allowing *interest* on the claims which produced the awards, and which were extinguished by it.

(2) The first act, that of March 3, 1873, did not merely put this money into the Treasury absolutely and apply it to the payment of the public debt, but carefully provided for the creation of a precisely equivalent amount of separate and distinct bonds, *bearing interest* at 5 per cent.

(3) It issued, from time to time, these 5 per cent. bonds, made them payable to the Secretary of State, and declared that he held them "in trust;" this upon the face of the bonds.

(4) The seventh section of the act of June 5, 1882, in express words, makes the Geneva award fund to consist of the money paid to the United States, pursuant to the seventh article of the treaty of Washington, to wit, of the $15,500,000, plus the moneys "*accruing therefrom,*" and which had not been consumed under former laws.

Thus, there is expressed and unmistakable legislation making this fund to consist of *both* the principal sum paid in by Great Britain *and* the moneys "*accruing therefrom.*" This "accruing therefrom" could not be anything else than the fruits of the fund, either interest or premium, or both.

(5) The eighth section of the same act expressly authorizes the payment out of both the Geneva award and *its interest* as this fund stood, principal and interest, when it was covered into the Treasury. (See all this in letter of the Secretary of April 22, 1884.)

(6) The practical construction given to these laws by the executive department (required to administer the fund) is one which treated the interest *and the premium* realized from the sale of bonds as a part of what the statute terms "the fund" and "the Geneva award fund." And, as above seen, this treatment of premium and interest is legalized by the seventh and ninth sections of the act of the 5th of June, 1882.

(7) This practical construction so treating the interest and premium is seen in the examples which we have given above.

One is found bottom of page 3 of the Secretary of the Treasury's annual report of the 4th December, 1876, where he credits the Geneva award fund with $6,613,826.12 as the proceeds of a sale of the Geneva award bonds of the face amount of $5,883,000.

Another is on page 3 of the Secretary's annual report of December 3, 1877, where he credits the fund with $2,728,726.07, this being the sum realized from the proceeds of the sale of bonds of the face value of $2,467,000.

Another example of this treatment is found in the next item, same page, where he credits the fund with the bonds canceled *and accrued interest*, $9,677,105.89.

(8) In the letter to the chairman of the Judiciary Committee named in the House bill now pending in the Senate, the Secretary states the amount of this fund in the following words:

"The balance remaining of the amount originally invested, viz. $7,150,000, together with $2,403,800 accumulated interest on the whole fund, was covered into the Treasury March 31, 1877, and in the quarter ending June 30, 1877, the further sum of $123,305.89 accumulated interest, was also covered into the Treasury, which with the unexpended balance of $26,799, above referred to, making a total of $9,703,904.89, remains available for future disposition, as provided by law."

(9) The fund is charged by the Secretary with the expenses of advertising the bonds. For example, as seen by the above-named letter, the expenses charged against the fund for *advertising* the sale of bonds is $470.90. This shows that the proceeds of such bond sales, including premiums, belong to the fund.

These considerations, we submit, show conclusively that—

(1) The interest was to be allowed up to the end of the fiscal year ending June 30, 1877. This is expressed on the face of the statute, unmistakably, and needs no discussion. These, therefore, fix upon this fund the character which we have stated, to wit, that the

proceeds of the fund—that the fruits of the fund were designed by Congress to be distributed.

Why the act of 1882 made the interest to *terminate* at the particular date, when the money was covered into the Treasury. seems to be found in the provision of section 15 of the act of June 23, 1874, which requires the bonds "remaining" after the payment of the judgments contemplated by that act (and in which bonds the award was invested under the act of 3d of March, 1873), to be "canceled and extinguished." And—

(2) It is equally plain and express upon the face of the statute that the statute authorizes the *premium* realized on the sale of bonds to be treated as a part of the fund. No other interpretation than this will satisfy the words of the seventh section of the act of 1882, which requires the distribution not only of the original fund, but also of the moneys covered and meant by the words "*and accruing therefrom.*"

The practical construction of the Treasury Department, therefore, in allowing premium and treating it as a part of the fund, as evidenced by the above citations, having dates subsequent to the act of 1882, was clearly right, and any other would have been a violation of the statute which requires what "*accrued*" from the fund to be treated as a part of the fund.

The $385,100.07, which the Secretary's letter of the 22d of April, 1884, to the chairman of the Judiciary Committee speaks of as included in miscellaneous receipts derived from the Geneva award fund, is one of the items which "*accrued from*" this fund, and which the seventh section of the act of 1882 required him to treat as a part of the Geneva award fund, because that act requires everything "*accruing*" from that fund to be treated as a part of the fund, precisely as the other premiums on sales of bonds were treated.

SHELLABARGER & WILSON.

Hon. GEORGE F. HOAR,
Chairman of Subcommittee, United States Senate.

SEC. —. That any one or more of the said judgment claimants of the second class may bring, in the Court of Claims, one suit against the United States for the benefit of all judgment claimants of the second class, in which the Attorney-General shall appear and defend, for the purpose of adjudicating and determining, upon the principles hereinafter stated, whether the Geneva award fund should receive and be credited with any moneys accruing from the $15,500,000 paid to the United States in gold under the seventh article of the Treaty of Washington, in addition to the moneys allowed and credited to the said fund under the fifth section of this act, and under former acts of Congress; and if any, how much should be so allowed and credited to the said fund and paid out upon judgments of the second class. And the said Court of Claims is empowered and directed to take jurisdiction of, and adjudicate, the same, and to render a decree therein; and, in such proceedings, shall be governed by the rules of the said court which are in their nature applicable, and not inconsistent with the provisions of this act. Said suit shall be commenced by a bill in equity, succinctly setting forth the facts relied upon for the relief claimed; and in its final decree the said court shall ascertain and determine how much, if anything, ought, under the principles hereinafter stated, to be allowed and credited to the said fund and made applicable to payments, in addition to those provided for in section 5 of this act, *pro rata* upon said judgments of the second class. From the decree so finally rendered an appeal may be taken, by either party to the said cause, within sixty days from the rendition of such decree, to the Supreme Court of the United States; which court shall hear, adjudicate, and determine the case upon all the evidence submitted to the court below, upon the principles hereinafter provided; and both courts shall give the said cause precedence on their dockets respectively.

SEC. —. That in determining the question whether any, and, if so, what sum or sums of money shall be allowed, decreed, and credited to the said Geneva award fund, in addition to those to be allowed and credited to the said fund and paid out upon judgments under the fifth section of this act, the court shall adjudicate and determine the same as the accounting officers of the Treasury Department and the Secretary of the Treasury would were this act not passed be required to do in making payments of judgments under the provisions of the statutes below mentioned, to wit, under and according to the several and respective provisions of the act of Congress approved March 3, 1873, chapter 261, providing for receipt and disposition of said Geneva award; the act approved June 23, 1874, chapter 459, providing for the creation of the first Court of Commissioners of Alabama Claims; the act approved December 24, 1875, chapter 1, extending the duration of said court; the act approved February 15, 1876, chapter 9, providing for the payment of judgments rendered under section 11 of the said chapter 459; the act approved July

22, 1876, chapter 225, further extending the duration of the said court; the act approved June 5, 1882, chapter 195, re-establishing the Court of Commissioners of Alabama Claims, and providing for distribution of the unappropriated moneys of the Geneva award; the act approved June 3, 1884, chapter 62, extending the duration of the Court of Commissioners of Alabama Claims, and for other purposes, and of any other acts of which the accounting officers of the Treasury Department would be required to take notice in paying out and making distribution of the said fund in satisfaction of said judgments of the second class, if this act were not passed; and also, in reaching the said decree, the said court shall further take into consideration all the facts which shall be disclosed by the evidence showing the receipt of the said fund from Great Britain, the management, investment, and disposition thereof, or of any part thereof, the sale of bonds provided for in the above-named acts of Congress, the amount of moneys realized therefrom, directly or indirectly, the time and manner of rendering judgments, the principles upon which the amounts of such judgments were made up by the courts respectively under said acts, and every other material and pertinent fact transpiring in the administration of the said Geneva award fund, and of the proceeds of the same, prior to the approval of this act; and the court shall render a decree for whatever additional sum or sums shall be found to be due to the said fund, if any, upon the principles aforesaid.

SEC.—. That the Secretary of the Treasury shall, in pursuance of the provisions of the fifth section of this act, proceed forthwith to make the payments provided for in the fifth section of this act upon the judgments of the second class and the other payments provided for in the said section out of any money in the Treasury not otherwise appropriated; and upon and after a final decree shall be rendered by the court which under the provisions of this act, shall finally pass upon the matters herein submitted to the jurisdiction of such courts the Secretary of the Treasury shall proceed to pay, out of any money in the Treasury not otherwise appropriated, the amount of the said decree, if any, as follows:

(1) In satisfaction of all costs and expenses of the said suit in the said court, including reasonable fees to counsel for the complainant or the complainants.

(2) Upon judgments of the second class, *pro rata*, any balance of such decree which may remain after the payment of the said expenses of the said suit.

ACT OF 1873, CHAPTER 261.—AN ACT for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the eighth of May, anno Domini eighteen hundred and seventy-one, between the United States of America and the Queen of Great Britain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That immediately upon the payment of the sum of money awarded to the United States by the tribunal of arbitration at Geneva to be paid by the government of Great Britain, the same shall be paid into the Treasury, and used to redeem, so far as it may, the public debt of the United States, and the amount equal to the debt so redeemed shall be invested in the five per centum registered bonds of the United States to be held subject to the future disposition of Congress.

Approved, March 3, 1873.

[Extract from act of 1874, chapter 459.]

* * * * * * *

SEC. 14. That the said court shall report to the Secretary of State a list of the several judgments and decisions made by it, a certified copy of which shall, upon the conclusion of the business of said court, be by him transmitted to the Secretary of the Treasury, who shall thereafter, as soon as may be and upon such notice and in such manner as he shall prescribe, pay the said judgments, together with interest at the rate of four per centum per annum on the amount of such judgments from the date certified, unto the persons, respectively, in whose favor the same shall have been made, or to their respective legal representatives, in full satisfaction and discharge of said judgments: *Provided*, That if the sum of all the judgments rendered by the said court, together with interest, shall exceed the amount received into the Treasury of the United States as proceeds of the sum to be paid by Great Britain, by virtue of said decision and award, then the Secretary of the Treasury shall distribute, in ratable proportion, among the parties in whose favor judgment shall have been rendered, or to their legal representatives, such moneys as have been received into the Treasury, according to the proportion which their respective judgment shall bear to the whole amount received into the Treasury as aforesaid, which payments shall be in full satisfaction and discharge of such claims and judgment.

SEC. 15. That the Secretary of the Treasury is hereby authorized and required to pay the said respective judgments of said court, out of any such money in the Treasury not otherwise appropriated; and for that purpose he is hereby authorized when necessary to issue and sell at public sale, after ten days' notice of the time and place of sale, at not less than par in coin, a sufficient amount of coupon or registered bonds of the United States, in such form as he may prescribe, of denominations of fifty dollars, or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States after ten years from the date of their issue, and bearing interest payable quarterly in such coin at the rate of five per centum per annum; and upon the payment from time to time of the said respective judgments of said court as before provided, the bonds of the United States mentioned in the act approved March third, eighteen hundred and seventy-three, entitled "An act for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the eighth of May, anno Domini eighteen hundred and seventy-one, between the United States of America and the Queen of Great Britain," shall be canceled and extinguished to the amount of such payments; and when all such payments shall have been made, any such bonds remaining shall also be canceled and extinguished; and after the payment of the said judgments, and the reimbursement of the expenses as herein provided, if there shall remain any part of the said money, the same shall be and remain a fund from which Congress may hereafter authorize the payment of other claims thereon. And the moneys necessary for the payment of the salaries of the judges and other officers authorized by this act, and of the expenses of the said court as hereinbefore mentioned, are hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

[Extracts from act of 1882, chapter 195.]

* * * * * * *

SEC. 7. That the judgments rendered by said court under this act shall be paid by the Secretary of the Treasury out of the sum of money paid to the United States pursuant to article seven of the treaty of Washington, and accruing therefrom, not appropriated to claims proved under the provisions of said chapter four hundred and fifty-nine, or any act extending the time for the filing of claims thereunder.

* * * * * * *

SEC. 9. That the said court, after all its judgments and decisions have been rendered, shall transmit to the Secretary of State a list of such judgments and decisions, stating the class and amount, with interest at four per centum from the time the loss accrued to the thirty-first of March, eighteen hundred and seventy-seven, a certified copy of which shall be by him transmitted to the Secretary of the Treasury, who shall thereafter, as soon as may be, and upon such notice and in such manner as he shall prescribe, pay the said judgments out of any money in the Treasury not otherwise appropriated: *Provided, however*, That such payments shall be made in accordance with the provisions of the preceding sections: *And provided further*, That the whole amount paid out shall not exceed the amount remaining of the Geneva award and interest, as it was when actually covered into the Treasury. And so much money as may be necessary to carry out the provisions of this section is hereby appropriated out of any moneys not otherwise appropriated.

SEC. 10. That all moneys necessary for the payment of the salaries of the judges and officers authorized by section two of this act, and for the lawful expenses of the said court hereby re-established, are hereby appropriated out of any moneys in the Treasury not otherwise appropriated; all of which shall be reimbursed out of the said unappropriated moneys before any of the judgments rendered under this act shall be paid. And after the reimbursement of all the expenses authorized by this act, and the payment of all the judgments rendered thereunder, if there shall remain any part of the said money, the same shall be and remain a fund from which Congress may hereafter authorize payment of other claims thereon.

VIEWS OF MR. EVARTS.

I am of the opinion that the sum of $15,500,000 in gold was received from Great Britain by the United States under the award of the Geneva tribunal as a fund in trust for its distribution among private sufferers at the hands of the inculpated British cruisers during our civil war. As a consequence all increment and accumulations upon this fund until the residue thereof was covered into the Treasury are impressed into the trust upon which the capital of the fund was received. The previous legislation of Congress has recognized this fundamental principle of trust and has treated the distribution hitherto, and by the present bill proposes to treat the further distribution, upon the same principle of a trust.

Although I cannot concur in the selection by Congress of the beneficiaries to whom the distribution of the trust fund has been made and still is to be made, I am of opinion that the House bill preserves and observes the obligations in treating the fund as a trust better than the a mendment proposed by the Judiciary Committee, and that the amendment should be rejected.

WM. M. EVARTS.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 568.

IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1886.—Ordered to be printed.

Mr. PLATT, from the Committee on Patents, submitted the following

REPORT:

[To accompany bill S. 2158.]

The Committee on Patents, to whom was referred the bill (S. 1909) for the relief of W. H. Ward, have had the same under consideration, and beg leave to report:

That at the first session of the Forty-eighth Congress the Senate Committee on Patents referred to the Court of Claims, to be proceeded with under the Bowman act, so-called, the petition of William H. Ward, of Monongahela City, Pa., praying for relief and compensation for the use of certain patents named in the petition by the United States and reported their action to the Senate. (Senate Report No. 137.) The claim of Mr. Ward as set forth in said petition was for compensation for a shell-molding machine and for the infringement and use of his bullet-machine patents, namely, one of March 20, 1855, and the other of November 10, 1857, numbered respectively 12574 and 18616.

It should be observed that the patent of March 20, 1855, is one which was originally issued to one William B. Hartley, which was assigned by said Hartley to said Ward on the 6th day of October, 1874. It was purchased by said Ward on account of claims made that it anticipated in one particular his patent of November 10, 1857, and, to avoid any question as to the liability of the Government for the use of said last named patent, he purchased the patent issued to Hartley.

The shell-molding machine is one made in pursuance of letters patent issued to him in December, 1857, for the Navy Department at Washington, at the Washington navy-yard in the year 1858, for which it is claimed that full compensation has never been made.

The Court of Claims, to whom the petition of said Ward was referred, in pursuance of the decisions and rulings of said court made after such reference, declines to consider the claims of said Ward for compensation for his shell-molding machine, and also any claim that may arise by virtue of the assignment of the patent from Hartley to said Ward.

Some portions of the claims of said Ward are now something like twenty years old, but during all that period the claimant has been faithfully endeavoring to obtain relief at the hands of Congress, and it is not his fault or laches that he has not succeeded in obtaining an adjustment of his claim. As long ago as the first session of the Forty-fourth Congress, the matter then being before the Senate, Mr. Wadleigh, the chairman of the Committee on Patents, submitted a full report, which shows the facts in the case appearing at that date, and it is cited here for the

purpose of showing that said Ward has been faithful in endeavoring to obtain the compensation which he believes to be due him. Bills were introduced in the House in the Forty-third Congress and in subsequent Congresses.

The committee are clearly of the opinion that in this case the Government ought not to take advantage of any statute of limitations, and therefore favorably recommend the passage of the accompanying bill as a substitute for the bill referred to the committee, the original bill to be indefinitely postponed.

Letters patent were granted to the said William H. Ward, of Auburn, N. Y., on the 10th day of November, A. D. 1857, for the term of fourteen years, for an "improved bullet-making machine;" and on the first day of December, A. D. 1857, a patent was granted to the said Ward for a "machine for molding shells," for a like term of fourteen years, both of which inventions are "original" or "first patents" of their respective classes or kinds, and are known by the term of "foundation patents," which, as a rule, require a great deal of mental consideration to perfect them, as ideas that must be followed up with costly experiments, requiring both time and money, as is instanced in almost every new invention wherein capital and labor are taxed to their utmost in perfecting some new labor-saving device.

These inventions of Mr. Ward seem to your committee to embrace all the essentials of perfection of their kind, and they have proved to be economical of material and a great saving of labor in the production of bullets from cold lead, and bomb-shells from molten iron, respectively, as is shown in evidence and from copies of the special reports, &c. From the copies of official reports it appears that Mr. Ward commenced shell experiments as early as 1841, with good results, and from that time forward he seems to have been more or less engaged until he had expended on his bullet-machine invention upward of forty-nine thousand dollars ($49,700), and on the shell-molding-machine invention upward of twenty thousand dollars ($20,712), making for the two, counting interest, the sum of $70,000 up to the 10th day of February, 1874.

And it further appears in evidence that these patented inventions and machines of Mr. Ward have been made use of by the Government from the time of their issue and all through the life-time of the said patents in the manufacture of leaden bullets and iron shell without any compensation to Mr. Ward, as is certified to by the letter of the Secretary of the Navy to Congressman MacDougall, a copy of which is hereto added, and of the bullet-machine by testimony of the Hon. Thomas Hood, a copy of which is also added, both of which are supported by the testimony of the patentee, who seems to have been diligent in trying to obtain some just consideration for his invention, as set forth in his petition and his letter to your committee, a copy of which letter is also added hereto.

It further appears that during the years from 1860 to 1866, inclusive, the Government, from necessity, were obliged to build machines for the manufacture of bullets without reference to patents generally, and in doing so it appears that the Chief of Ordnance (at the time) was fully aware of Mr. Ward's patent, as set forth in the said testimony of Mr. Hood, when he, as Chief of Ordnance, gave authority for the construction of bullet-machines; and it further appears in evidence that he in no instance paid or caused to be paid to William H. Ward any consideration whatever, but referred him to Congress.

It is further manifest and known to your committee that William H. Ward made application for the extension of his patents aforesaid, and such extensions were passed through the House of Representatives by an almost unanimous vote during the first session of the Forty-third Congress, and in their regular order came to your committee, together with the petition for compensation for use of same, and that your committee, considering that the granting of the said extension would again render the Government liable to William H. Ward, the said patentee, for such extended term of said patents, denied the granting of the said extensions, with the understanding that the matter be referred to the Court of Claims for adjudication on the merits of the inventions and claims arising therefrom, and in accordance with such consideration your committee recommend the accompanying bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 569.

IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1047.]

The Committee on Pensions, to whom was referred the bill (S. 1047) for the relief of Patrick H. Estes, a veteran invalid soldier of the Mexican war, have examined the same, and report:

The claimant, Patrick H. Estes, late a private of Company H, Fourth Kentucky Volunteers, enlisted October 3, 1847, and was discharged July 25, 1848. In his declaration for a pension he alleges that he contracted diarrhea and piles at Vera Cruz, and on march from that place to City of Mexico in December, 1847, which continued during his entire service. The application was finally admitted and he was placed on the roll at $4 per month.

This is an aged and disabled soldier of the Mexican war. The evidence furnished to the committee proves that at the present time he is unable to earn his livelihood and must be supported by charity unless provided for by the country. Your committee recommend the increase of his pension to $12 a month, and believe that it is no more than should be given, nor, in fact, enough to provide for his necessities. We therefore recommend the passage of the bill, amended by striking out all between the title and the enacting clause and all after the enacting clause, and substituting therefor the following: "That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Patrick H. Estes, a veteran invalid soldier of the Mexican war, and pay him a pension at the rate of twelve dollars a month."

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 570.

IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1886.—Ordered to be printed.

Mr. EVARTS, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill S. 1599.]

The Committee on the Judiciary, to which was referred the bill (S. 1599) for the relief of the Phenix National Bank, of the city of New York, report the same without amendment, and recommend its passage.

The memorial of the bank presents a full exhibition of the facts and circumstances upon which its claim for the relief is based, and the statements of the memorial are sustained by complete and indisputable evidence, resting upon documents and judicial records and decisions.

The case thus made out to the satisfaction of the committee as entitling the Phenix Bank to the relief granted by the bill, is as follows:

The Phenix Bank, in due course of dealing with the Bank of Georgetown, of Georgetown, in South Carolina, prior to the interruption of intercourse with the States in rebellion against the United States, was indebted to the Bank of Georgetown for the balance of deposits in the sum of $12,117.38.

On or about the 4th of January, 1865, one David Risley, presented to the Phenix Bank a check for $10,000, drawn by the Bank of Georgetown upon the Phenix Bank, dated May 20, 1861, to the order of said Risley, and demanded payment thereof. The Phenix Bank refused the payment demanded on the ground that all the moneys to the credit of the Bank of Georgetown with the Phenix Bank had been seized and attached by the marshal of the United States for the southern district of New York, under powers issued from the district court of that district, for the confiscation of said moneys to the United States.

On or about the 25th of January, 1865, the Phenix Bank paid to the said marshal all said moneys, under and in obedience to the order, decree, and process of the said court requiring such payment.

On or about the 14th of January, 1867, said Risley brought an action at law in the supreme court of the State of New York, in the city and county of New York, to recover the said amount of $10,000, and interest on the same from the 4th of January, 1865, when demand was made upon the Phenix Bank for the payment of said sum.

The Phenix Bank set up as a bar and defense against the recovery sought the process, attachment, seizure, and payment to the marshal, as hereinbefore stated, and the litigation upon this bar and defense was carried through the supreme court and court of appeals of the State of New York, and, upon writ of error, through the Supreme Court of the United States. In this litigation, and upon the merits, in these courts the bar and defense of the confiscation proceedings, and of the payment

thereunder to the United States, were held to be no defense to the action by reason of the invalidity of the confiscation proceedings.

The final judgment against the Phenix Bank was given by the Supreme Court of the United States on the 24th of March, 1884, and upon the 24th of June in that year the Phenix Bank paid to the sheriff of the city and county of New York the sum of $29,624.35, in full satisfaction of the judgments and executions for the same against said bank.

By information communicated to the committee from the Secretary of the Treasury it appears that the sum of $12,117.38 paid to the marshal of the United States by the Phenix Bank was applied in the said district court in the payment of costs, in the payment of the informer's share, and in the deposit of the residue to the credit of the United States, which was regularly covered into the Treasury.

By information communicated to the committee from the Department of Justice it appears that the conduct of the case on the part of the Phenix Bank in the Supreme Court of the United States was submitted to the Department of Justice, both in the brief in advance of the oral argument and at the oral argument, and the defense was approved by the Department as wholly satisfactory.

The bill provides for the payment to the Phenix Bank of the mer[illegible] amount paid by it to the sheriff of the city and county of New Yor[illegible] without any interest thereon. This reimbursement to the Phenix Ban[illegible] in the opinion of the committee, is a plain and necessary obligation [illegible] the United States, which will be discharged by the passage of this b[illegible]

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 571.

IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Public Lands, submitted the following

REPORT:

[To accompany bill S. 934.]

The Committee on Public Lands, to whom was referred the bill (S. 934) making an appropriation to enable the Secretary of the Interior to settle the accounts of Norman Thacher, late a receiver of public moneys at Menasha, Wis., report:

That said Thacher was receiver as stated, and also a disbursing agent; that as such disbursing agent the United States is indebted him in the sum of $649.65, and that there is due the United States from him the sum of $462.55, leaving due him the sum of $187.10, as appears from the following letters from the General Land Office.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 17, 1885.

SIR: You are informed, in reply to your letter dated January 22, 1885, that from a careful examination of the records in this office of the adjustments of your accounts the following balances appear due, viz:

Balance due you as disbursing agent for fiscal year 1881, per report 32463	$586 45	
Balance due you as disbursing agent for fiscal year 1882, per report 34543	63 20	
		$649 65
Balance due the United States by you as receiver on account sales Stockbridge and Munsie Indian lands, per report 24872	102 56	
Balance due United States by you as receiver under bond of February 21, 1878, per report 34393	359 99	
		462 55
		187 10

That you may avail yourself of the amounts due you as disbursing agent to close your accounts as receiver, and to obtain the $187.10 due you after such settlement, a special act of Congress for your relief will be necessary, as the time in which the appropriations were applicable has in each case lapsed.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Mr. NORMAN THACHER,
Late Receiver Public Moneys and Disbursing Agent, Menasha, Wis.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 16, 1886.

SIR: By a further adjustment of Mr. Norman Thacher's accounts, his indebtedness has been reduced $63.20, and therefore the amount necessary to be appropriated is reduced to $586.45, and the portion payable to liquidate his indebtedness to the United States, to $399.35.

Very respectfully,

S. M. STOCKSLAGER,
Assistant Commissioner.

Hon. PHILETUS SAWYER,
United States Senate, Washington, D. C.

And recommend passage of bill, with amendments proposed in body of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 572.

IN THE SENATE OF THE UNITED STATES.

APRIL 19, 1886.—Ordered to be printed.

Mr. PIKE, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 4731.]

The Committee on Claims, to whom was referred the bill (H. R. 4731) entitled an act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, having considered the same, submit the following report:

This bill passed the House of Representatives March 23, 1886. It was reported to the House by the Committee on War Claims of that body. The report of that committee is made an appendix to this report, and is House Report No. 1129, Forty-ninth Congress, first session.

Since the passage of the act of July 4, 1864, the Secretary of the Treasury has annually certified to Congress such claims as have been examined by the Quartermaster and Commissary Departments under the provisions of said law, and reported by them "for payment to the Third Auditor of the Treasury, with a recommendation for settlement," and bills have passed like this annually, with scarcely an exception, making appropriations for the payment of the various claims so examined and certified.

The letter of Secretary Manning, under date of January 16, 1886, certifying the claims which had been examined by the officers named in said law, was addressed to the House of Representatives, and this bill sent the Senate by the House is to make the appropriation for the payment of the various claims so certified.

Your committee have carefully compared the items in the bill with the items in the letter of Secretary Manning transmitting the claims to Congress and find they agree.

The committee recommend that the bill be amended by adding at the end thereof the following:

"MISSISSIPPI.

"To Catharine C. B. Merrill, executrix of the last will and testament of Ayres P. Merrill, late of said State, $67,726."

Your committee think it is just that this amendment should be made, and that the sum should be allowed as stated therein.

Mr. Ayres P. Merrill lived near Natchez, Miss., owned two plantations in that State and two in the adjoining State of Louisiana, not far therefrom.

He was living upon one of these plantations and cultivating them all at the time the war of the rebellion broke out, and remained there during the first years of the war and until about the middle of September, 1863, when he removed to the city of New York.

Mr. Merrill was a man of culture and a gentleman of great personal worth and influence.

He was a devoted friend of the cause and Government of the United States. This is testified to by General Grant, Postmaster-General Gresham, and Generals Ransom, Crocker, Kirby Smith, Commodore Greer, and many other federal officers who knew him well and frequently visited him at his house. His devotion to the Union seems to be admitted on all hands. He was our minister to Belgium during President Grant's administration.

Natchez and the surrounding country where Merrill lived was in the possession of the Union forces sometime before Merrill left for New York, at the time he left, and for some time after he went there, and took large quantities of quartermaster and commissary stores and supplies for the use of the Army from his plantations for which the claimant, his executrix, urges he was never paid.

To secure judgment for these stores and supplies she presented a claim, as executrix, to the Forty-eighth Congress. The Senate Committee on Claims, to whom it was referred, made a report thereon (Senate Report No. 521, first session Forty-eighth Congress).

It being difficult for the committee to determine the quantity of stores and supplies used by the Army, and whether any, and, if any, to what extent payment had been made for them, made the following recommendation to the Senate, which was adopted:

> Under all the circumstances the committee deem it proper to recommend the passage of a bill referring the claim to the Quartermaster-General, with instructions to inquire into and ascertain the full amount of supplies so taken and used by the United States Army, and to ascertain what amount, if any, has been paid on the same, and report the facts to Congress.

Pursuing this recommendation the last Congress, for the purpose of learning the facts, passed an act of which the following is a copy:

> AN ACT for the relief of the executrix of Ayres P. Merrill.
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the claim of Katherine C. B. Merrill, executrix of the last will and testament of Ayers P. Merrill, deceased, and late of the State of Mississippi, for quartermaster and commissary stores and supplies alleged to have been taken and used by the United States Army during the rebellion, from the plantations of said Merrill in the vicinity of Natchez, Mississippi, be referred to the Quartermaster-General, who shall investigate the justice and legality of said claim and report the amount and value of said stores and supplies taken and used by the Army of the United States, and also what amount has been paid on the same; and that he report all the facts and evidence for the consideration of Congress. Approved February 13, 1885. (U. S. Stat. at L., vol. 23, p. 623.)

By this act Congress refers this claim for quartermaster and commissary stores and supplies, alleged to have been taken and used by the United States Army during the rebellion from the plantations of the said Merrill, to the Quartermaster-General, "who shall investigate the justice and legality of said claim, and report the amount and value of said stores and supplies taken and used by the Army of the United States, and also what has been paid on the same, and report the facts and evidence for the consideration of Congress."

The Quartermaster-General, in compliance with this law, appointed

M. A. Woodburn to make the investigation. The committee understand him to be one of the most careful, experienced, and trusted agents of the Department. He went to Natchez, examined the plantations and the witnesses knowing the facts, and made a report to the Quartermaster-General.

The following is his finding and recommendation:

I would, therefore, in this case, respectfully recommend that payment be made for—

Quartermaster stores, 21,480 bushels corn from field; 15,500 bushels corn from cribs; total 36,980 bushels, less 1,010 bushels paid for, 35,970 bushels, at $1	$35,970 00
16,000 pounds fodder, at $2 per cwt	320 00
122 mules, at $150 each	18,300 00
16 horses, at $75 each	1,200 00
48 oxen, at $40 each	1,920 00
30,000 feet cypress lumber, at $30 per M	900 00
Fence, post-rail, 125 cords wood, at $4 per cord	500 00
Fence, common rail, 64 cords wood, at $4 per cord	256 00
2 wagons, at $150 each	300 00
5 wagons, at $70 each	350 00
Amount received for quartermaster stores	60,016 00
And would also recommend payment for commissary supplies:	
170 cows, at $20	3,400 00
200 sheep, at $1.50	300 00
200 heifers and calves, at $5	1,000 00
130 hogs, 19,500 pounds pork, at 8 cents	1,560 00
2½ hogsheads sugar (2,442), at $100	250 00
Amount for commissary supplies	6,510 00
Amount for quartermaster stores	60,016 00
Total	66,526 00

After the agent's report was made testimony was taken by the Quartermaster-General, and he recommends payment for 12 hogsheads of sugar, not embraced in Agent Woodburn's report, at $1,200, making a total of $67,726, the amount recommended by your committee in the amendment.

Only the sum of $1,010 was found to have been paid, which has been deducted and the above is the net balance.

To a just consideration of this claim it is but fair to say that the Quartermaster-General, in his report, recommends the allowance of only $50,382.50. His report, as your committee understand, was not made to the House until after the bill (H. R. 4731) had been reported. At least the committee having it in charge had not considered this claim at that time. The House committee have since considered it, and by separate bill recommend the payment of $50,382.50, the sum recommended by the Quartermaster-General.

The act of February 13, 1885, above quoted, requires the Quartermaster-General to "report all the facts and evidence for the consideration of Congress." He has done so. The testimony is voluminous. Senator Jackson was requested by your committee, as a subcommittee, to examine and report to the committee the amount on the evidence he thought should be allowed on this claim.

He reported the sum of $67,726, above named, which the committee adopted.

In explanation of the cause of the difference between the amount recommended by the Quartermaster-General and the House committee on

this claim and that recommended by your committee, your committee further report:

That the Federal Army reached Natchez July 15, 1863. Merrill left there within two months for New York. Much of the property was taken after he left. Ten years after the property was taken Merrill, in the city of New York and in bad health, dictated to one of his daughters a memorandum of the property taken, *then* remembered by him. He omitted a number of items, which the Quartermaster-General admits are proved.

The Quartermaster-General considered himself limited to the memorandum as "the claim" he was to investigate. The report above cited, No. 521, made by the Committee on Claims of the Senate to the Senate at the last session, recommending the reference of this claim to the Quartermaster-General, says:

With instructions to inquire into and ascertain the full amount of supplies so taken and used by the United States Army.

The House Committee on War Claims, in their report, No. 1627, o this session, recommending the allowance of only $50,382.50, in seeming apology for allowing so small a sum, say:

The investigating agent, who appears to have been one of the most faithful and competent in the service, after a thorough and exhaustive investigation on the ground, reported the value of the stores and supplies so taken at $67,536. From this he deducted the sum of $1,010, the amount of a voucher paid said Merrill, as appears by the records of the Treasury Department, leaving the sum of $66,526, and for which sum he recommends payment. When he transmitted his report and the evidence to the Quartermaster-General that officer was of the opinion that the *memorandum* referred to was *the claim*, and that no item could be considered unless embraced in the memorandum. In his report to Congress he therefore omits the items of hogs, fencing, molasses, and a part of the corn on the Hedges place, for the reason only that they are not named in the memorandum, though they are "stores and supplies," and from the report and accompanying evidence of the agent their taking and use appear to have been as fully proved as the other property. Omitting these items the Quartermaster-General recommends the sum of $51,392.50, less the $1,010 previously paid, making $50,382.50.

After the report was made by the investigating agent additional testimony was taken, not within reach of the agent, but under directions of the Quartermaster-General, and this testimony appears to establish an additional amount of property taken and used to the extent of $1,200, this amount being admitted by the Quartermaster-General and being embraced in his report. If this sum is added to the amount reported by the agent it will make $67,726.

Your committee, however, being divided upon the question of allowing the whole amount of "stores and supplies" established by the evidence, or limiting the allowance to the sum reported by the Quartermaster-General, have concurred in reporting the latter sum.

They therefore report the accompanying bill, appropriating the sum of $50,382.50, and recommend its passage.

There can be no doubt from these statements if the Quartermaster-General had not considered himself limited, as he clearly was not, to the "memorandum" as "the claim" he was to investigate, and had considered himself at liberty to report the value of the stores and supplies taken and used by the Army, which were proved to have been, he would have reported the sum of $67,726, the amount the committee recommend.

The committee think the statute of February 13, 1885, above quoted, is to be regarded as a waiver of objections which are not objections upon the merit, such as laches, lapse of time, failure to present the claim to the Southern Claims Commission, or prosecute the same there, and the like.

APPENDIX O.

[House Report No. 1129, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, which have arisen under the act of July 4, 1864, beg leave to submit the following report:

The committee on January 26, 1886, had reported to it the letter of the Hon. Daniel Manning, Secretary of the Treasury, under date of January 16, 1886, submitting a list of 1,022 claims arising under the act of July 4, 1864, with the papers in each case, which have been examined and allowed by the proper accounting officers since January 21, 1885, to date of his letter. The aggregate amount of these claims is $238,200.64. It is apparent, therefore, that the vast majority of these claims are for small amounts. They come only from loyal States, and the money goes to loyal men in these States. Under the act of Congress by which these claims are allowed, July 4, 1864, the Government determined to pay for certain quartermaster and commissary stores used by the armies of the United States. The express conditions of said act were, first, the stores must have been taken in States not in rebellion; second, that the claim was just; third, that the claimant was always loyal; fourth, that the stores were actually received or taken for the use of and were used by the Army. The Quartermaster-General, or the Commissary-General, as the case might be, was to cause said claims to be examined and investigated, and, if satisfied from the proof that all the conditions precedent were favorable to the allowance of the claims, they were to be reported to the Third Auditor of the Treasury with a recommendation for settlement.

These claims set forth in this bill have been all examined and investigated by the proper officers. Every condition precedent to the allowance of these claims has been found in favor of their allowance after a year's patient investigation by the tribunal constituted by law to investigate them. These loyal claimants have been kept out of their money for more than twenty years, and no interest is allowed them in any case. The following joint resolutions and act of Congress, with rules and regulations established thereon to govern in the submission and examination of claims to be presented to the Quartermaster-General and to the Commissary-General, respectively, are given for the information of Congress. The committee recommend that the said bill do pass.

(Chapter 240, first session, Thirty-eighth Congress.)

AN ACT to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermasters' stores and subsistence supplies furnished to the Army of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States growing out of the destruction or appropriation of or danger to property by the Army or Navy, or any part of the Army or Navy, engaged in the suppression of the rebellion, from the commencement to the close thereof.

SEC. 2. *And be it further enacted,* That all claims of loyal citizens, in States not in rebellion, for quartermasters' stores actually furnishing to the Army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster-General of the United States, accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster-General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said Army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement.

SEC. 3. *And be it further enacted,* That all claims of loyal citizens, in States not in rebellion, for subsistence actually furnished to said Army, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Commissary-General of Subsistence, accompanied with such proof as each claimant may have to offer; and it shall be the duty of the Commissary-General of Subsistence to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been received or taken actually for the use of and used by said Army, then to report each case for payment to the Third Auditor of the Treasury with a recommendation for settlement.

Approved July 4, 1864.

JOINT RESOLUTION No. 50, first session Thirty-ninth Congress, to extend to the counties of Berkeley and Jefferson, in West Virginia, the provisions of the preceding act, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the act of Congress of July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims, and for other purposes," be, and the same are hereby, construed to extend to the counties of Berkeley and Jefferson, of the State of West Virginia.

Approved June 18, 1866.

JOINT RESOLUTION No. 99, first session Thirty-ninth Congress, to extend the provisions of the act of July 4, 1864, limiting the jurisdiction of the Court of Claims to the loyal citizens of Tennessee, as follows:

Be it resolved by the Senate and Ho of r vresentatives of the United States of Americ in Congress assembled, That the prov of the act of July 4, 1864, entitled "An act to limit the jurisdiction of the Court Claims," is hereby extended to the loyal citizens of the State of Tennessee.

Approved July 28, 1866.

(Chapter 57, second session Thirty-ninth Congress.)

AN ACT to declare the sense of an act entitled "An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States," as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of chapter 240 of the acts of the Thirty-eighth Congress, first session, approved July 4, 1864, shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of or used by the armies of the United States, nor for the occupation of or injury to real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States when such claim originated during the war for the suppression of the southern rebellion in a State, or part of a State, declared in insurrection by the proclamation of the President of the United States, dated July 1, 1862, or in a State which, by an ordinance of secession, attempted to withdraw from the United States Government: *Provided*, That nothing herein contained shall repeal or modify the effects of any act or joint resolution extending the provisions of the said act of July 4, 1864, to the loyal citizens of the State of Tennessee, or to the State of West Virginia, or any county thereof.

Indorsed by the President: "Received February 9, 1867."

[NOTE BY THE STATE DEPARTMENT.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.

JOINT RESOLUTION No. 50, second session Thirty-ninth Congress, to extend the provisions of section 2 of the act of July 4, 1864, limiting the jurisdiction of the Court of Claims to cases of quartermaster's stores furnished to the forces of Maj. Gen. Lewis Wallace during the Morgan raid through the States of Indiana and Ohio in the summer of 1863, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 2 of the above entitled act be, and they are hereby, extended to cover all cases where quartermaster's stores were actually furnished to the forces under the command of Maj. Gen. Lewis Wallace, and duly receipted for by persons acting under his authority, and whose authority shall be proven to the satisfaction of the accounting officers, during the Morgan raid through the States of Indiana and Ohio in the summer of 1863, and for the purpose of giving such receipts for property so applied, the said persons shall be held to be proper officers of the Government.

Approved March 2, 1867.

The following rules and regulations to govern in the submission and examination of claims to be presented to the Quartermaster-General and to the Commissary-General of Subsistence, respectively, under the act of July 4, 1864, and the several acts and joint resolutions amendatory and explanatory thereof (as herein published), entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies

furnished to the Army of the United States," and the evidence of proofs which must accompany them, are hereby established:

I. CLAIMS TO BE SUBMITTED TO AND EXAMINED BY THE QUARTERMASTER-GENERAL.

All claims of loyal citizens, in States not in rebellion for "quartermaster's stores" actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipts.

II. CLAIMS TO BE SUBMITTED TO AND EXAMINED BY THE COMMISSARY-GENERAL OF SUBSISTENCE.

All claims of loyal citizens, in States not in rebellion, for "subsistence" actually furnished to said Army, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipts.

III. PROOFS REQUIRED IN SUPPORT OF THE ABOVE CLASSES OF CLAIMS.

(1) That the claimant is a loyal citizen of a State not in rebellion. (Claims of citizens of the following States, declared by the President of the United States, by his proclamation of the 1st day of July, 1862, to be in insurrection will not be considered, viz: Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia.)

(2) *Citizenship.*—The claimant will be required to show by his own affidavit, supported by the certificate of the clerk or recorder of the town or county of which he claims to be a citizen, that said claimant is a citizen of said town or county.

(3) *Loyalty.*—The claimant will be required to file with his claim the oath of allegiance to the Government of the United States, as prescribed by the President's proclamation of the 8th of December, 1863, supported by the certificate of a United States officer, civil or military, that the said claimant was, at the date his claim originated, and has been ever since, loyal to the United States; or the sworn statement of the same facts of at least two witnesses, whose loyalty and credibility shall be vouched for by the certificate of the officers before mentioned.

(4) Claims arising under this act must be presented by the claimant or his authorized attorney, and, in the latter case it must be shown by the certificate of the assessor or collector of his district that he has been duly licensed and authorized to act as a claim agent.

IV. VALIDITY OF CLAIMS.

(1) When quartermaster's stores or subsistence supplies have been taken by officers and receipted for, all of such receipts or vouchers must be filed; or their absence, in any case, must be fully and satisfactorily explained by proper evidence.*

(2) When such stores or supplies have been taken by officers without giving such receipts, the claim must set forth the kinds and quantity of stores or supplies, when, where, and by what officer taken, the price or value thereof, and must be supported by the affidavit of the claimant as to the correctness of the claim; that the articles named in the claim were actually delivered to or taken by said officer for the use of the Army; that no receipt or voucher has been received therefor; that no payment has been made, or compensation received, in any way, or from any source whatever, for the whole or any part of said claim; that it has not been transferred to any person or persons whomsoever; and that the rates or prices charged are reasonable and just, and do not exceed the market rate or price of the article at the time and place stated.

(3) In all cases, whether or not receipts have been given for the stores or supplies, the affidavit required by the next preceding paragraph must be supported by such additional affidavits, or other proofs, in relation to the facts stated, as may be attainable. The credibility of the claimant and of the witnesses must be vouched for by the certificate of an officer of the United States, civil or military. If receipts have been given, the affidavit above referred to will be modified, so far as it relates to receipts or vouchers, substantially as follows: That all of the receipts or vouchers given for such stores or supplies are hereto annexed.

(4) Proof must be furnished, as far as attainable, that the quartermaster's stores

* By "receipts or vouchers" is meant each and every copy of any and all documents—in whatever form, *whether in ink or in pencil*—given by or bearing the signature of any officer in the service of the United States (or by any enlisted man in such service, acting under proper authority) for or relating to the whole or any portion of the stores for which payment is claimed. The attention of *agents* and *attorneys* is particularly called to a strict compliance with this requirement in presenting claims.

or subsistence supplies mentioned have been actually used by the Army of the Unite States. This proof should, whenever practicable, consist of the certificate or affidavi of the officer who took the stores, or who ordered them to be taken, or who, after sucl taking, took them in charge, setting forth the fact of such taking, to what use th stores were applied, and whether or not they have been accounted for as required b the Regulations of the Army; and if accounted for, upon what returns, or, if not, th reason for failing to account for the same; or, in case the above proof is not attain able, the certificates of other officers, or the affidavit of a soldier, or some other cred ible witnesses, knowing the facts, setting forth by whom and for what purpose th property was taken, and to what use it was applied.

(5) Claims for damages or for losses sustained by thefts or depredations committe by troops, or so much of a charge for stores or supplies as is an element of damages will not be considered under these acts and joint resolutions.

(6) Powers of attorney, legally executed by claimants to agents (bearing properl affixed and canceled internal-revenue stamps), must accompany claims presented b agents.

(7) The general allegation that stores for which payment is claimed were take by the officer in command of a large body of troops for whose subsistence or use th property was applied, or by his order, is not sufficient to establish a claim under thi act. Such officers seldom, if ever, personally receive stores (that duty devolvin upon subordinate officers), and though issuing orders authorizing the taking of th property as a military necessity, seldom have any knowledge whatever of the partic ular cases affected by the execution of such orders on the part of their subordinate except, perhaps, in some few cases arising under peculiar circumstances. Therefor to facilitate the examination of claims, and to enable the officers deciding them t comply with that clause of the law requiring them, before recommending claims fo payment, to be "convinced" that the property was taken in the manner and for th purpose therein set forth (as distinguished from thefts and depredations, by whom soever committed), claimants are required to furnish the following information (o so much of it as they reasonably may) as a part of their sworn declarations in such viz:

1. The name, rank, regiment, and, when known, the post-office address of each officer who took any portion of the stores.

2. Immediately after each officer's name and designation state the articles and quantities (with their prices) taken by him, together with the exact date when and locality where taken.

3. Name the brigade, division, and corps with which, or the station or post at which each officer was serving; the name and official designation of the commissary or act ing commissary of subsistence of that brigade, station, or post, and that of the office in immediate command thereof at the time; and add thereto such attendant fact and circumstances as transpired at the time, in any way bearing upon the case.

4. State the exact locality of claimant's present residence; if in a city, give stree and number; if in the country, the nearest post-office.

5. The claims must be legibly written; and particular care should be taken in th "declarations" of claimants, and in the affidavits of witnesses, to correctly state th month and year in which the transaction occurred.

(8) Claimants will be required to prove the genuineness of the signatures to th receipts filed in support of claims submitted under joint resolution No. 50 of March 2 1867, and to furnish evidence that the persons executing such receipts were actin under the authority of Major-General Wallace.

D. H. RUCKER,
Brevet Major-General and Acting Quartermaster-General.
A. B. EATON,
Brevet Major-General and Commissary-General of Subsistence.

Approved October 10, 1867.

U. S. GRANT,
Secretary of War ad interim.

The following is the legislation of Congress affecting the payment of claims sinc the acts and resolutions before quoted:

AN ACT making appropriations for the support of the Army for the fiscal year ending June 30, 1875 and for other purposes.

* * * * * * *

SEC. 2. That all balances of appropriations, for whatever account, made for th services of the Departments of the Quartermaster-General and of the Commissary-Gen eral of Subsistence, prior to July 1, 1872, which on the 30th day of June, 1874, shal remain on the books of the Treasury, shall be carried to the surplus fund, except sucl

as the Auditor of the Treasury, whose duty it is to settle accounts against such appropriations, shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts as have been reported to him for payment by the Quartermaster's and the Commissary Departments pending in his office. And the Quartermaster-General, Commissary-General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July 4, 1864, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each claim allowed by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration.

Approved June 16, 1874.

[Extract from an act for the allowance of certain claims reported by the accounting officers of the Treasury Department.]

* * * * * * *

SEC. 2. No claim shall hereafter be allowed by the accounting officers, under the provisions of the act of Congress approved June 16, 1874, or by the Court of Claims, or by Congress, to any person, where such claimant, or those under whom he claims, shall willfully, knowingly, and with intent to defraud the United States, have claimed more than was justly due in respect of such claim, or presented any false evidence to Congress, or to any Department or court in support thereof.

Approved April 30, 1878.

[Extract from an act for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, and for other purposes.]

* * * * * * *

SEC. 2. That the agents appointed under the provisions of sections two or three of the act approved July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States," and acts amendatory thereof, to investigate and report upon all claims filed under said act, are hereby authorized to administer oaths and affirmations and to take depositions of witnesses.

SEC. 3. That all claims not presented and filed under said act, and the acts amendatory thereof, prior to the 1st day of January, anno Domini 1880, shall be forever barred.

Approved March 3, 1879.

[Extract from an act for the allowance of certain claims reported by the accounting officers of the Treasury Department.]

SEC. 2. That the agents appointed by the Quartermaster-General or his subordinates to investigate claims under the act of July 4, 1864, shall give notice to claimants whose claims it is proposed to investigate of the time and place of taking testimony, who shall have the right to cross-examine every witness who may testify in behalf of the Government; and said agent shall also take, at the same time, testimony of any and all witnesses who may be presented by the claimant. And all, both in behalf of claimants and the Government, shall be taken under the law and rules which usually govern the taking of testimony. And the reports of said agents shall be open to the inspection of the claimant or his attorney at all times, on application, subject to such regulations as the Quartermaster-General or Commissary-General may prescribe.

Approved June 15, 1880.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 573.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1416.]

The Committee on Pensions, to whom was referred the bill (S. 1416) granting a pension to Elijah Smith, have examined the same, and report as follows:

The Commissioner of Pensions having allowed the claim since the introduction of the bill, the committee recommend its indefinite postponement.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 574.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5074.]

The Committee on Pensions, to whom was referred the bill (H. R. 5074) granting an increase of pension to James Waters, have examined the same and report that after careful examination they have adopted the report by the Committee on Pensions, House of Representatives, hereto annexed, and recommend the passage of the bill.

[Report of committtee, House of Representatives.]

The claim in this case is one of merit. The pensioner, James Waters, is about ninety years of age. He draws a pension, certificate No. 25506, of $8 per month. In his letter, under oath, submitted to us, he says:

"I served in the war of 1812; I was born in the year 1797, in Philadelphia; emigrated to Oregon in the year 1843; my health is very poor; my eye-sight is nearly gone; I have no means of support except my pension of $8 per month; I served five years in the Regular Army; I served six months in the Florida war as first lieutenant; I served in the Indian war in Oregon in 1847 as colonel; I am not able to do any work; I am badly crippled; will be ninety years old February 22, 1886."

The judge of the county states under oath that he has known Col. James Waters for twenty-five years; that for at least ten years last past he has been in failing health, and suffering the disabilities of extreme old age; feeble in body, almost entirely blind, hearing almost gone; is poor, and has no means of support other than his small pension.

The postmaster of his town states that the old veteran is poor; yes, very poor, and suffering more than the usual amount of the infirmities of life; crippled in body, blind, or almost so, hearing impaired, in fact, helpless, and that his pension of $8 per month is entirely too small to furnish him the comforts of life, leaving him without attendance, medical, or otherwise.

Your committee see the force of the statement, and admit the necessity of an increase of the pension. They are therefore unanimously of the opinion that said pension should be increased to such a sum as would give this aged and honorable veteran at least a comfortable support during the balance of his few remaining days that he may have to linger on the shores of time, with vision gone, vitality lost, hearing impaired, waiting for the roll-call on the other side. Your committee recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 575.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4461.]

The Committee on Pensions, to whom was referred the bill (H. R. 4461) granting a pension to Stevens W. Merrill, have examined the same and report, that after careful examination they have adopted the report of the House Committee on Pensions, hereto annexed, and recommend the passage of the bill.

That Stevens W. Merrill enlisted November 19, 1861, in Company F, Seventh Iowa Infantry. He was honorably discharged on the 30th of October, 1862, and again enlisted and was appointed first lieutenant and quartermaster in the Thirty sixth Regiment of Iowa Infantry, and served as such, and was honorably discharged on the 24th day of August, 1865. Said Merrill, while returning to his regiment from his home at East Saint Louis, in the State of Illinois, on the 2d day of September, A. D. 1864, by the sudden movement of the cable of a ferry boat, which was made fast to the shore, and while the said Merrill was passing from the said boat to the shore, was caught and tripped and thrown down with such force that he dislocated his hip and fractured his thigh-bone, from which injury it was four months and eighteen days before he was able to join his regiment. It appears from a large amount of medical testimony that the said Merrill's injury to the hip joint has never recovered, and that by means of a diseased bone caused by the injury, the said Merrill is left a cripple for life, rendering it almost impossible for him to get about, the limb having become much shortened in consequence of the injury.

Dr. J. K. Bonde, United States examiner, testifies that claimant, March 14, 1870, was suffering from the effects of an injury of the right hip joint, which has caused shortening of the limb.

The claimant filed his application for a pension November 18, 1865.

His claim for a pension has been rejected by the Commissioner of Pensions on the ground that at the time the claimant received his injury he was absent from his regiment without leave. The evidence shows that said Merrill left the regiment on sick leave of absence for thirty days, dated October 27, 1864; that he returned to his home in Warsaw, Ill., sick. The evidence shows that claimant was sick at the time he started to return to his regiment, and was not fit for duty. It is pretty conclusively proven that the reason claimant did not return to his regiment within the thirty days was that he was sick and unable to travel. The accident happened just four days after the sick-leave expired.

Your committee are of opinion that under the circumstances said Merrill was in the line of his duty at the time of the injury. The evidence shows that he is poor and unable to earn a living in consequence of his injury; that since the injury said Merrill has spent about all the means that he possessed in his living and in doctoring, trying to be cured; that he is now almost an object of charity. Your committee is of the opinion that the said bill should pass.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 576.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1278.]

The Committee on Pensions, to whom was referred the bill (H. R. 1278) granting a pension to Ann Bird, have examined the same, and report:

That after a careful inspection of the records in this case they adopt the House report hereto annexed, and recommend the passage of the bill.

The claimant, Ann Bird, a nurse in the late war, is the widow of Thomas Bird, late private in Company D, Nineteenth Regiment Wisconsin Volunteers. The claimant entered in the service of the United States as a nurse in the spring of 1862, serving at Camp Vealey, in Virginia, at Norfolk, Va., Portsmouth, Va., and at the Balfour General Hospital, which services were highly appreciated by all that were under her care and attention; such service was rendered with more the care of a mother than a nurse or stranger. At the present time claimant is almost entirely helpless with rheumatism, which has been gradually growing worse since first contracted at Madison, Wis., while serving as nurse in an old leaky building which was used for a regimental hospital.

Claimant's husband served during the war, and was honorably discharged, and died at Nashville Centre, Martin County, Minnesota, about February, 1877, leaving claimant quite poor and dependent on friends for assistance.

In view of the faithful services rendered by claimant, and the loss of her husband, who served faithfully during the war, and from the further fact that she is now quite poor and suffering from rheumatism contracted in the service, your committee recommend that the bill do pass.

STATE OF WISCONSIN,
County of Marquette, ss:

On this 4th day of March, A. D. 1886, personally appeared before me, a notary public in and for aforesaid county, duly authorized to administer oaths, Rodney D. Mallory, aged fifty-four years, a resident of Westfield, in the County of Marquette and State of Wisconsin, whose post-office address is Westfield, Marquette County, Wisconsin, well known to me to be reputable and entitled to credit, and who, being duly sworn, on oath says that he was well acquainted with Thomas Bird, late a private in Company D, Nineteenth Regiment Wisconsin Volunteers, while in the service aforesaid, from the spring of 1862 until some time in the summer of 1864. That he was quite intimate with him during that time, as he was a member of the said company and regiment. That he was also well acquainted with Mrs. Ann Bird, the wife of said Thomas Bird, during the same time, and that she served as nurse of the regiment above named from the spring of 1862 to the summer of 1864, he thinks, and then she was in the post hospital at Portsmouth, Va., as nurse. That he made said Thomas

Bird and his wife a visit, when at said hospital, in the summer of 186
were both doing duty as nurses. He further states that said Ann Bird
and devoted in the discharge of her duties as nurse. He further states
terest in the prosecution of the case.

R. D. M

Sworn and subscribed to before me this day by the above-named affia
tify that I read the affidavit to him and made him acquainted with its
fore he executed the same, and that affiant is known to be of good repute
to credit. Also, that I have no interest in the matter. I am authentic
sion Office.

[SEAL.] L. E.

Not

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 577.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4077.]

The Committee on Pensions, to whom was referred the bill (H. R. 4077) granting a pension to Frederick Korth, have examined the same, and report:

That they have carefully examined the records in this case and herewith adopt the House report hereto annexed, and recommend the passage of the bill.

The claimant, Frederick Korth, was employed by the United States Government at the Lower Sioux Indian Agency at Redwood, Minn., as a general laborer and teamster, and that while engaged as such teamster on the morning of August 18, 1862, the time of the Indian outbreak, he was seriously wounded in his right hip by a load of gunshot, fired at him by Indians; that shortly afterwards on the same day, he was again fired at by the Indians and wounded on right side of back, in the right arm, and top of the head. He was treated for his wounds at the Government hospital at Fort Ridgely, Minn., about six weeks, when he was transported to Saint Peter, then sent home to Henderson, Minn.; that from effects of said wounds he has suffered from rheumatism and is unable to do a fair day's work, and on account of shot on the top of his head he is troubled with dizziness whenever he has to stoop. The foregoing statements are corroborated by twenty-nine citizens of Henderson, Minn.

Dr. H. J. Seigneureb testifies that he was assistant brigade surgeon of the Sioux Indian expedition, commanded by Brig. Gen. H. H. Sibley, in August, 1862; that affiant examined claimant and found him wounded in different places by small buckshot or large gooseshot; many of them he extracted, while others could not be found; that the head, right arm, and right leg had been wounded, and that a buckshot in the hip went so deep behind the big trochanter that it was judged prudent to leave it there; that said wounds in the hot weather of August and September suppurated abundantly, and that patient, after five weeks in hospital, was taken to his home in Henderson in a sad, crippled condition, and that he has never fully recovered from his wounds and is yet a cripple, unable to earn his living by manual labor.

Your committee are of the opinion that as the claimant had no remedy under the pension laws the merits are such that he should receive the relief asked for by Congress. They therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 578.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6638.]

Committee on Pensions, to whom was referred the bill (H. R. 6638) granting a pension to William Gordon, have examined the same and report:

That after careful consideration of the records in this case they adopt the report of the committee of the House of Representatives, hereto annexed, and recommend the passage of the bill.

That William Gordon is the father of William A. Gordon, late of Company H, Eleventh Iowa Volunteers, and who died July 8, 1866, from the effects of a wound received in battle of Pittsburg Landing, April 6, 1862.

The father filed his application for pension August 9, 1877, which was rejected May 4, 1878, "on the ground that claimant was not dependent on the soldier for support at time of his death."

The fact of soldier's wound and death resulting therefrom is conclusively proven. Also that his mother died in 1872 without making application for a pension; that soldier was never married; that he acknowledged his obligation to support his parents by continually sending home his earnings while in the service, is proven beyond question.

As to fact of dependence, it is true that claimant did at the date of his son's death, and for many years thereafter, make a living for himself and family, but it was by his daily labor; what little property he had having been exhausted in caring for his wounded and helpless son. But he is now over seventy years old, with broken health, and has been for several years entirely dependent upon charity for a living. A great volume of evidence has been taken in this case, but the two following extracts contain the whole gist, the affiants being personally known to the member of your committee preparing this report as men of the very highest character and strictest integrity. Dr. W. S. Robertson testifies October 26, 1877:

"Claimant has been troubled with hemorrhoids since 1861, and his annual earnings have not been over $150 per year; has been in poor health since 1861, unable to do but little work, and now, in consequence of his disabilities, is unable to perform any labor."

Hon. John Mahin, postmaster at Muscatine, Iowa, August 9, 1877, says:

"William Gordon's physical and financial condition has been poor since 1862. A few years before that time he was swindled out of all of his property in a trade. He has at present no means of support, except what his friends give him, being nearly blind at times. His son aided in his support, but to the best of my recollection he was not entirely dependent on the son. The son was severely ill for a long time before his death, and much time and means were expended in attending on him during his last illness."

Your committee cannot understand the severity of this ruling by the Pension Office, except on the theory that a parent must be a helpless pauper to come within the rule. We are of opinion that a more liberal construction should prevail, and believe that this dependent father should have been on the pension-roll many years ago. Therefore, that partial yet tardy justice may be done him now, we recommend that the bill do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 579.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6044.]

The Committee on Pensions, to whom was referred the bill (H. R. 6044) granting a pension to Eliza Francesco, mother of Alexander Francesco, have examined the same, and report:

In reference to the mother's dependence there is ample and conclusive testimony.

The office rejected the application on the ground that there is no record evidence that the claimant's son had been enlisted in the service of the United States.

This is verified by the report of the Adjutant-General, who says:

There is no record of enlistment, muster in, or service of this soldier; [but he adds] was captured at Magoffin, Ky., December 1, 1863; confined at Richmond, Va., December 8, 1863; admitted to rebel hospital, Richmond, Va., February 15, 1864, where he died February 25, 1864, of chronic diarrhea.

The capture of the soldier by the enemy, his sickness and disease while in confinement, are very convincing circumstances to show that he was in the Union service, and that his death was the result of that service. To account for his identification with the "service of the United States" we have the testimony of W. A. Adams, captain of Company D, United States Kentucky Volunteers (and *his* service is shown by the report of the Adjutant-General), that he recruited Alexander Francesco into Company D on or about October 21, 1863, and did not have an opportunity to have him mustered into the service before he was captured in an engagement with the enemy.

The evidence is ample to prove the identification of the soldier, and the poverty and dependence of his mother.

The bill is reported favorably with a recommendation that it do pass.

The House report attached is also adopted.

This case is fully explained by the correspondence hereto attached, which is made a part hereof.

Your committee recommend the passage of the bill.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE.
Washington, D. C., February 10, 1882.

HON. F. M. COCKRELL,
United States Senate:

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, and the petition, therein inclosed, of Mrs. Eliza Francesco, as dependent mother of Alexander Francesco, and the contemplated joint resolution of Congress thereon.

You ask for my careful consideration of the same, and request that they be returned with the papers in the claim for pension, No. 197622, of Mrs. Francesco. You also ask to be informed, first, whether I "hold record evidence of the enlistment or muster of a soldier a condition precedent to the granting of a pension on account of his death;" second, whether such condition precedent would apply to a pension claim granted by a special act of Congress on account of the "death of any one who was not shown by record to have been enlisted or mustered;" and, third, whether if in the case of Mrs. Francesco "the records of the War Department had shown the regular muster of Alexander Francesco as a private in Company D, Forty-fifth Kentucky Volunteers, the facts would have justified you (me) in granting a pension to the petitioner, Eliza Francesco."

In reply you are informed that the first interrogatory is answered in the affirmative. The rule for the guidance of this office on questions of enlistment and discharge is thus laid down by the honorable Secretary of the Interior in his decision dated October 11, 1881, in the case of James H. Carpenter, to wit: "The enlistment and discharge of soldiers, whether regulars, volunteers, or militia, pertain exclusively to the War Department.

"No evidence should be accepted by the Pension Office to controvert the rolls and records of the War Department or to supply defects in such records."

Your second interrogatory is answered in the negative.

As to the third one, I have caused the papers in the petitioner's claim to be carefully considered, and it appears from the evidence therein that her son was recruited for Company D, Forty-fifth Regiment Kentucky Volunteers, about October 24, 1863, but that the officer who recruited him had no opportunity to have him mustered into the service of the United States before he was captured in an engagement with the enemy, November 30, 1863. The Adjutant-General's report shows that he was "captured at Magoffin, Ky., December 1, 1863; confined in Richmond, Va., December 8, 1863; admitted to rebel hospital, Richmond, Va., February 15, 1864, where he died February 25, 1864, of chronic diarrhea." The testimony was submitted to the War Department, but it was not considered sufficient by that Department to cause the name of Alexander Francesco to be taken up on the rolls of said Company D. This action left no other alternative to this office than to reject the pension claim upon the ground that the decedent was not an enlisted man in the service of the United States.

The testimony on the question of the petitioner's dependence upon her son for support at the time of his death has also been considered, and it is deemed entirely satisfactory on that point.

In view of the foregoing, I have no hesitation in answering your third and last interrogatory in the affirmative; that is, "if the records of the War Department had shown the regular muster of Alexander Francesco as a private in Company D, Forty-fifth Kentucky Volunteers, that the pension claim of his mother, the petitioner, would have been promptly allowed.

The petition and proposed joint resolution are returned to you, as requested. The papers in the pension claim will be forwarded to the chairman of the Committee on Military Affairs, United States Senate, under whose name all letters of transmission of pension claims to the committee are indexed on the books of this office.

Very respectfully,

WM. W. DUDLEY,
Commissioner.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 580.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3303.]

The Committee on Pensions, to whom was referred the bill (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan, have examined the same and report:

The committee have examined this case and find that it merits favorable consideration. They have therefore adopted the House report, which is as follows, and recommend that it do pass:

Joseph McMillan was mustered in Company K, Sixty-seventh Indiana Volunteers, as a private on the 6th day of August, 1862, and was honorably discharged on the 29th of November, 1862, on surgeon's certificate of disability for a scrotal hernia.

His application for pension was filed August 1, 1867, alleging a right scrotal hernia, caused by being tramped upon by men while prostrated from the shock of a cannon-ball, while in the line of duty at the battle of Munfordville, Ky., September 14, 1862.

In support of his claim, Ralph Applewhite, captain of claimant's company, certifies in the certificate for his discharge that claimant incurred the injury by reason of a fall, and soldiers tramping upon him at the time and place alleged by claimant.

Lieut. O. S. Lauvill, of same company, testifies he received the injury at the time and place stated by claimant. That he was ruptured by being tramped upon by soldiers, while prostrated from the effect of a cannon-ball.

The certificate of a pension-examining surgeon, dated March 9, 1868, shows a scrotal hernia on the right side, and rated the disability at two-thirds and permanent.

On this proof claimant was granted a pension January, 1869, at rate of $4 per month. Payment of pension was suspended July, 1870, upon recommendation of medical referee pending investigation upon information that claimant's injury existed prior to his enlistment.

On December, 1873, claimant made application for restoration, alleging a continuance of disability, for which he was discharged.

Your committee have carefully examined all the testimony, embracing a full report of two special examinations, and believe this claimant has a just and equitable claim for restoration. The preponderance of evidence strongly shows that he was a sound, healthy man at the time he entered the service. There are several witnesses who testify that claimant was generally understood to be so injured prior to his service in the Army, and one of claimant's brothers testifies to a personal knowledge of the disability before the war, yet, on the other hand, quite a large number of claimant's neighbors, with whom he worked prior to his enlistment, testify that they never knew of his being afflicted with hernia; that he was constantly employed in severe and laborious work, such as clearing off ground and rolling logs, and that he was regarded as a superior man in strength and physical endurance. Two of his brothers testify to having no knowledge that he was afflicted in any way before his enlistment.

Dr. Thomas J. Cooper, a physician of excellent professional standing, testifies to having been a practicing physician for thirty years; that he was claimant's family physician at the time of his enlistment; that he knows him to have been an able-bodied man, and free from rupture and scrotal hernia during the time he was claimant's physician; that he did not see him for the space of four years from 1862, at the end of which time he knew that claimant was badly afflicted with scrotal hernia, and has been and is now so afflicted.

Dr. James W. F. Gerrish, surgeon of claimant's regiment, testifies that he k his own personal knowledge that at the date of claimant's muster into the se was physically sound and able-bodied; that he discharged him in Novemb for scrotal hernia; that said hernia was contracted by him while in the ser in the line of duty at the battle of Munfordville, Ky., on the 14th of Septemb He further testifies that he is unable to do ordinary physical labor.

Several of claimant's comrades who were present at the battle of Munford September, 1862, testify that it was understood, and generally believed, tha ant received the injury at the time and place he alleges. While there may doubt whether claimant was not afflicted with hernia before his enlistment, also strong and incontrovertible testimony that he incurred the injury in the

Your committee think the testimony is sufficient to restore the soldier, and mend the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 581.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6012.]

The Committee on Pensions, to whom was referred the bill (H. R. 6012) to increase the pension of Leander W. Corey, have examined the same, and report:

The committee have examined this case, and find that it is entitled to favorable consideration. They have therefore adopted the House report, which is as follows, and recommend the passage of the bill.

The evidence on file in the Pension Department in this case shows that claimant enlisted December, 1861, in Company F, Sixteenth Iowa Volunteers, and was discharged June, 1865. In May, 1880, he applied for a pension, alleging chronic diarrhea and disease of the lungs. Pension was allowed for these disabilities. In December, 1882, he applied for pension for blindness, alleging that it resulted from hardships and exposure while in Andersonville Prison. This was rejected on the ground that the weight of evidence tends to show that the disability was not contracted in the service.

The records show that claimant was taken prisoner at Atlanta, Ga., July, 1864, and was confined in Andersonville Prison until April, 1865. Two of his comrades, William E. Brooks, and M. A. Bell, testify that they were captured at the same time, and were with him in Andersonville; that he there contracted weakness of eyes, scurvy, and chronic diarrhea. A number of witnesses testify that his eyes were weak at discharge, and continued so until he became totally blind in 1881. The records of the War Department show that these comrades were confined in Andersonville during the same time that claimant was. Their reputation is vouched for as good.

Dr. James McHenry testifies to treating him for weak eyes from 1873 until after he became blind. Other witnesses, however, testify that they saw nothing wrong about his eyes for two years after discharge, and that his habits during that time were not good. The testimony, however, on this point is very conflicting. He is now totally blind, with a wife and four small children dependent upon him and dependent upon the charities of his neighbors for support. The bill asks that his present pension of $8 per month be increased to that allowed for total blindness.

It hardly seems right to your committee, in view of the conflicting evidence in this case, to put claimant on an equal footing with the soldier who lost his eyes in battle; but, taking into consideration his long service and his terrible sufferings in Andersonville for nine long months, your committee recommend the passage of the bill, with an amendment, striking out the words "the amount allowed for total blindness," in lines 4 and 5, and inserting the words "forty dollars per month."

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 582.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6225.]

The Committee on Pensions, to whom was referred the bill (H. R. 6225) granting a pension to Abigail H. Carey, have examined the same and report:

This case has been examined by the committee and found to be entitled to favorable consideration. They have therefore adopted the House report, which is as follows, and recommend the passage of the bill:

Claimant's husband, Edward M. Carey, was mustered in as captain of Company H, Twelfth Ohio Volunteers, June 19, 1861, and as major of the same regiment to date from June 3, 1862; was subsequently transferred to the Twenty-third Ohio Volunteers, and mustered out February 25, 1865. At the battle of South Mountain, September 14, 1862, he was severely wounded in left thigh, by reason of which he was for several months disqualified from duty. For this wound he received a pension. The examining surgeon described the wound as follows:

"Ball entered on the inside of thigh, above upper third, and passed out on back of thigh, grazing bone and injuring muscles on inner and back part of limb. There is atrophy of muscles and soreness upon standing or walking, the limb giving away."

Major Carey died January 17, 1884, of cerebral apoplexy.

The widow's claim for pension has been rejected upon the ground that in the opinion of the medical officers of the Pension Office there is no connection between the service and the officer's fatal disease.

Dr. A. A. Wylie testifies that he was intimately acquainted with Major Carey before and after his Army service, saw him almost daily, and that for years before his death he was a feeble and worn-out man, and that, in affiant's opinion, his death was the result of the breaking down of his constitution from the wound and other exposure in the service. Did not treat him until about three days before his death; found him suffering from a malarial attack. The symptoms pointed to mental depression and great physical debility. Next day found the same symptoms, with stronger evidence of brain trouble. Became unconscious on the night before his death, and showed symptoms of an apoplectic condition. The wound of thigh and consequent wasted condition of the limb undoubtedly contributed to the general impaired health, which, in affiant's opinion, was the remote cause of apoplexy.

Dr. James Shackelford testified that he was consulted in regard to Major Carey's condition in November, 1879, and that he prescribed for him from that date until a short time before his death for disturbed action of the heart and nervous exhaustion, which, in affiant's opinion, was due to the wound of the thigh and other exposure in the service.

Dr. L. F. Preston testifies that he was called to see the soldier January 14, 1884; found him in a comatose condition, unable to swallow anything. During the night Dr. Wylie was called in, and affiant did not see him afterwards.

Dr. J. E. Carpenter, one of the medical examiners of the Pension Office, states that he was intimately acquainted with Major Carey during the war, and that he met him in the city of Washington in March, 1877, and then noticed that the wound of his thigh interfered much with locomotion.

Several citizens of prominence and integrity likewise testify that Major Carey was a man of excellent physical condition before his enlistment, and that by reason of his

wound and other exposure incident to his military service his health was much im-
paired at discharge, and that he gradually gave way and became prematurely old.

Drs. Shackelford and Wylie, physicians of eminence and gentlemen of unquestion-
veracity, attribute the fatal disease to the wound received in the service. The fir-
named, having had the case in charge for several years preceding death, is partic-
larly competent to express an opinion as to its remote cause, which your committee
do not feel at liberty to ignore in the consideration of the widow's claim.

We fully believe that the claim is meritorious and that the relief asked for should
be granted, and therefore report favorably on the bill and ask that it do pass.

TH CONGRESS, 1st Session. | SENATE. | REPORT No. 583.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Ir. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1275.]

he Committee on Pensions, to whom was referred the bill (H. R. 1275) granting a pension to William Turville, have examined the same, and report:

The facts in this case upon which claim for a pension is based are et forth in the accompanying report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 611), which e adopt, and recommend the passage of the bill.

[House Report No. 611, Forty-ninth Congress, first session.]

he Committee on Invalid Pensions, to whom was referred the bill (H. R. 1275) granting a pension to William Turville, having had the same under consideration, submit the following report:

The claimant, William Turville, enlisted August 22, 1864, as a private in Company Fifth Regiment Wisconsin Volunteers, and was discharged June 20, 1865.

Claimant's application for a pension was rejected by the Pension Office because the ords show no treatment for any disease or disability in any of the hospitals during time of enlistment. This is not claimed by claimant; but, on the contrary, his vices were in the front at all times, and where the battle raged fiercest he found post of duty. He is at present, and has been since a few days after his discharge, reat sufferer from a growing dementia, which at this date compels some one to tch over and provide for him.

Of his services in the late war his mind is almost a blank, except the one fact that omrade whom he loved, and who stood beside him in the fearful charge before ersburg on that fatal 26th day of April, 1865, was killed by the enemy. This event still broods over with a touching melancholy, oblivious or forgetful of the other at and dreadful events of those days. Did his honorable discharge not show that imant was present and engaged in the heroic battles of Fort Fisher, March 25, 1865; lor Creek, April 6, 1865, and the charge before Petersburg, April 26, 1865, his friends uld not have known it from him, who nobly discharged his duty on these memora- days of our nation's history.

On a few days after his return from the Army, and in his first endeavor to pursue former avocation in the walks of civil life, his family and friends at once discov- d that not only had the physical man suffered greatly from the terrible ordeal ough which he, with thousands of other brave hearts, had passed, but that the ellectual man had suffered even greater injury. He was, and to-day is, the victim dementia, brought about by the hardships and privations endured in the fierce nflicts in which he was no idle spectator, but an active participant.

That he was a healthy and sound man prior to and at the time of his enlistment ere is and can be no doubt; that his mind became affected, preventing him earning ivelihood for himself and family, cannot be questioned, and that this disability

was acquired in the service of his country, in defense of her honor and in the line o duty, is apparent.

John Bickford, a reputable citizen of Minnesota, states under oath:

"That he has lived near claimant for thirty years; has known him very intimatel except during the time he was in the service. At the time of his enlistment he was man of first-class physical and mental ability, and upon his return home, after bein discharged, I at once saw he was a wreck of his former self. He was broken dow physically, and showed that he was much impaired mentally, being unable to remem ber or tell of his Army experience sufficient to give any intelligent account thereo not even being able to remember the battles he was engaged in; and he has, to m personal knowledge, never shown any signs of recuperating, but, to the contrary, h constantly grown worse each year, and for several years he has been unable even t support himself."

Hon. Knute Nelson, a member of this Congress, says, that from his knowledge o applicant's condition, he believes him to have incurred his disabilities while in th service and in the line of duty. The examining surgeon rates his disability as one-ha total rating.

Your committee, from the fact that claimant was engaged in three battles whe heavy ordnance was called in use, and where the probabilities and possibilities a such that claimant might have received such severe mental and physical strain as t result in the impairment of his intellect and develop in dementia, deem it but just an right that the relief asked for should be granted; therefore recommend the passag of the bill, with the following amendment: After the word "infantry," in line 7, ad the words "and that the pension be paid his legally constituted guardian."

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 584.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2185.]

The Committee on Pensions, to whom was referred the bill (S. 822) granting a pension to George Titus, dependent father of Josiah C. Titus, have examined the same, and report:

That it appears from the records in this case that George Titus, the claimant, is the father of Josiah C. Titus, who at the time of his death was first lieutenant of Company D, Sixty-second Regiment Illinois Volunteers; that said Josiah C. Titus left no wife nor children; that both parents were dependent upon their son for support; that a pension certificate was granted to the dependent mother January 10, 1884. About six weeks after her death claimant then made application for pension as a dependent father. It is shown that claimant is seventy-nine years of age and without property to support him. It is also shown by affidavits of neighbors and two attending physicians that claimant has been unable to perform any manual labor since 1864 by reason of disease, and that he is now old and feeble.

Therefore, taking into consideration the evidence on file in this case, the committee believe it to be their duty to report the accompanying bill as a substitute for Senate bill 822, and your committee recommend the passage of the substitute.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 585.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2186.]

The Committee on Pensions, to whom was referred the petition of Louis Melcher for a pension, have examined the same and report:

The petitioner was a private in Company A, Second Michigan Infantry. He alleges that on the rapid march from Bull Run to Arlington Heights, through streams and without halting, he incurred disabilities which developed in ulcers in his legs, and for this he applied for a pension, which was denied by the Commissioner on the ground that the disability was not a result of the service.

The certificate for his discharge certifies that his incapacity is lameness, caused by previous repeated and extensive ulcerations of his legs; extending deeply among the muscles and impairing their powers and action by cicatrices, all existing before enlistment.

Witnesses who knew him testify that he was perfectly sound before enlistment. The examining surgeon finds the existence of the disabilities as claimed.

The captain of his company testifies to the injuries and to their incurrence by hard marching. His neighbors testify that they were intimately acquainted with him long before enlistment, and that he was sound. The weight of testimony seems to be in favor of the claim. The medical skill of the examining surgeon who signs his discharge may have been at fault when he declares that the ulcers existed before enlistment; and this idea is favored from the fact that a man in the condition of this soldier at the time of his discharge would not have been able to endure a night's rapid march from Bull Run to Arlington Heights.

The committee report a bill for the relief of the petitioner, with a recommendation that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 586.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2187.]

The Committee on Pensions, to whom was referred the bill (S. 1462) for the relief of the widow of Lieut. Col. Joseph A. Haskin, have examined the same, and report, by a substitute, that the records of this case (which are voluminous) clearly show that Rebecca E. Haskin is entitled to and should receive a pension provided by law for the widows of lieutenant-colonels, which was the actual rank held by deceased for eight years before his death. It appears that an error caused deceased's name to be entered upon the pension-rolls as major, when in fact it should have been lieutenant-colonel.

Taking into consideration all the evidence on file in this case the committee believe it to be their duty to report in favor of the substitute and recommend its passage.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 587.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2188.]

The Committee on Pensions, to whom was referred the petition of Ann Smith for a pension, have examined the same, and report:

That the records show that one Levi Smith, alias Elisha Oliver, was a private in Company A, Third Regiment Massachusetts Heavy Artillery, and that he contracted the disease, consumption, in the line of his duty; also that he received a pension for his disability from September 19, 1865, until November 6, 1871, the date of his death.

The claimant, Ann Smith, now asks for a widow's pension, but it appears of record that she is not the actual widow of the soldier, because it is shown that at the time this claimant married the soldier he had a wife then living, but now deceased.

It is shown that claimant lived with and bore children to the soldier, and took care of him until his death, and has not remarried; and, further, that she had no knowledge that this soldier had a living wife when she was married to him.

In view of the fact that the real wife died before the death of the soldier, and that the claimant believed herself to be, and did all things that a wife should do, there is no reason why she should not derive the benefits conferred by the pension laws to soldiers' widows; and, taking into consideration the evidence on file in this case, the committee report in favor of a bill and recommend its passage.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 588.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2189.]

The Committee on Pensions, to whom was referred the petition of Rebecca Marchant, dependent mother of Henry A. Marchant, for a pension, have examined the same, and report:

That it is shown by the records in this case that claimant is the mother of Henry A. Marchant, captain of Company I, Twenty-third Regiment Pennsylvania Volunteers, who was killed in action at Cold Harbor, Va., June 1, 1864.

Declaration for pension filed January 14, 1885, alleging dependence upon son for support. Claim rejected June 13, 1885, on the ground that at the time of the soldier's death claimant was not dependent upon son for support. Whatever may have been the pecuniary condition of claimant at the time of the son's death, the records show by affidavits of neighbors and physicians that claimant is now unable, by reason of old age and infirmity due thereto, to support herself, and that from similar causes her husband is unable to support her. Testimony is abundant upon both points. The soldier died unmarried, and the committee can see no reason why under the circumstances this dependent mother should not receive the pension to which she is entitled.

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report a bill for her relief and recommend its passage.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 589.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2190.]

The Committee on Pensions, to whom was referred the petition of Isaac G. Reed, and other citizens of Wellington, Sumner County, Kansas, asking that a pension be granted to William Dobbs, late a private in Company K, One hundred and nineteenth Regiment Illinois Volunteers, have examined the same, and report:

That from the papers on file in the case we find that William Dobbs enlisted in Company K, One hundred and nineteenth Illinois Regiment, August 14, 1862, and was discharged March 23, 1863; that he made application for pension, September 3, 1877, alleging in his declaration that while in the line of duty at Quincy, Ill., in September, 1862, he contracted sore eyes, which have continued to affect him ever since, so that he is almost totally blind; that he has suffered with an affection of his kidneys since his discharge, which he believes he contracted while in the service.

The claim was rejected by the Commissioner of Pensions on the ground that alleged disability, "disease of eyes, existed prior to enlistment, disease of kidneys—because of inability to furnish proof showing origin in service and line of duty, and continuance since discharge."

The claimant testifies that he is unable to furnish testimony of regimental surgeon, for the reason that the surgeon has lost his memoranda, and cannot remember the case; that he cannot furnish medical testimony of prior soundness, for the reason that all the physicians are dead, or removed to parts unknown. Cannot furnish testimony of continuance other than that on file, for the reason that his neighboring physicians have died; that he is unable to find some of the physicians who treated him in Kansas, and others require a fee, which he is unable to pay; that he is unable to furnish full proof of origin, because he does not know the whereabouts of those upon whom he depended for such proof, and asks that the evidence of Lieutenant Bennett be accepted as sufficient.

James Aschoff and Jesse Smith, neighbors, testify that they knew claimant for thirty years prior to his enlistment; was a sound, able-bodied man, and particularly free from any weakness of the eyes.

Robert B. Crafton knew him one year prior to his enlistment, and knows of his own personal knowledge that he was not at that time troubled with sore eyes.

Lieut. J. A. Bennett testifies—

That he knows of his own personal knowledge that the claimant, while in the line of his duty, at Quincy, Ill., about September 10, 1862, contracted sore eyes; that he was personally present; that claimant was examined by a board of surgeons, and pronounced sound at enlistment; and after he was mustered into the service, took sore eyes, and was sent to the regimental hospital for treatment. Did not know claimant personally prior to his enlistment, but does know that he was treated for sore eyes in the service.

R. B. Crafton, comrade—

That claimant became afflicted with sore eyes about November 1, 1862, which was so severe that he had to be sent to the hospital.

Nancy A. Ascheroff and Emma J. Smith have known claimant nineteen years; knew he was afflicted with sore eyes from March 19, 1863, to July 15, 1878.

Dr. J. T. Polson treated claimant in 1867 and 1868, for sore eyes, and has since examined his eyes and find no improvement.

A. T. Shepherd, neighbor—

Have known claimant seven or eight years (1875 to 1883)—badly afflicted with sore eyes, and part of the time almost blind.

Dr. A. B. McNeal: Became acquainted with claimant in 1877; at that time noticed he was suffering with sore eyes; that said treatment continued to the present time.

Dr. W. M. Campbell treated claimant at intervals during 1879, 1880, and 1881, for sore eyes; nearly blind at times; was totally disabled for manual labor; a county pauper during the time of his treatment.

On December 7, 1877, was examined by the board of examining surgeons at Quincy, Ill., which reports:

Disability permanent, and rates him at $18 per month.

Dr. James A. Maggood, examining surgeon at Wellington, Kans., May 17, 1882, finds as above, and rates him at one-half.

The board at Wichita, Kans., April 14, 1883, rates him at one-half for sore eyes, and finds no disease of kidneys.

This claim has been specially examined as to prior soundness. C. H. St. John, special examiner, reports the claim "one of merit."

A. L. Craig, special examiner, concludes that soreness of eyes "existed prior to enlistment."

Dan McClain, special examiner, "thinks claim has merit."

Dr. Maggood, examining surgeon, "questions the origin of his disease," but rates at total of third grade.

Joseph Logan, special examiner, thinks claim should be rejected, as to disease of eyes.

It is proper to add that the claimant is now an inmate of the Sumner County (Kansas) poor-house.

Your committee incline to the opinion that his disability from sore eyes originated in the service, and report a bill granting a pension to William Dobbs, and recommend its passage.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 590.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 678.]

The Committee on Pensions, to whom was referred the bill (S. 678) granting a pension to Mary Howard Farquhar, have examined the same and report that we have carefully examined the records in this case; and as its merits were clearly set forth in a report made to the second session, Forty-eighth Congress, we hereby adopt the same, amending the accompanying bill (678) by striking out of the ninth line the word "fifty," and inserting the word "forty" in lieu thereof.

[Report made at the second session Forty-eighth Congress.]

Mrs. Mary Howard Farquhar is the widow of Francis V. Farquhar, major, Corps of Engineers, and brevet lieutenant-colonel, United States Army, who died in the service. She was pensioned in 1883 at the rate of $25 per month, with $2 additional for each of three children. Some of the reasons for increasing her pension to $50 per month are set forth in the following extracts from a memorial submitted to the committee by Colonel Farquhar's brother, Commander N. H. Farquhar, of the Naval Academy:

"My brother, the late Colonel Farquhar, died suddenly, while on duty, leaving a widow and three children, all girls, with very little for their support. His services, as set forth in the inclosed memorial, to which I ask your attention, were most gallant and meritorious in war as well as in peace. On page 14 they are briefly summed up in a general order. He served the whole of the late war, commencing with the battle of Bull Run.

"In addition, Mary Howard Farquhar is the daughter of the late Maj. Gen. A. S. Williams, U. S. Volunteers, who died a few years ago while a member of Congress. General Williams served his country with great distinction in the Mexican and late civil war. Two important services in the late war might be cited which surely entitle his daughter to great consideration, first in command of a division under General Slocum at the battle of Gettysburg, and secondly in command of the Twentieth Army Corps from 'Atlanta to the sea,' under General Sherman. No pension has been asked for before in his case for his services."

General W. T. Sherman, in a letter to the Commissioner of Pensions in 1883, speaking of Colonel Farquhar's services and fatal illness, said:

"He was an exceptionally conscientious officer and gentleman, whose life was too valuable to be risked, and yet he hated to ask any favor or exemption from duty. Of course he could not move without orders, and the orders for a change came too late, for he died last summer at Detroit, of the causes which began at Washington. His life was as much a sacrifice as if he had been shot by a bullet. I am sure his widow is entitled to a pension. Major Farquhar lived his life manfully, with a confidence that the country would make provision for his family, a provision to which she is doubly entitled, because she was the wife of a splendid officer and the daughter of General A. S. Williams, who commanded the Twentieth Corps under me from 'Atlanta to the sea,' and from Savannah to Goldsborough. Had Williams served France or Germany his children would not have been humiliated to ask for a pitiful $25 or $30 a month, but would be ennobled and rich with a nation's bounty.

In a letter to Mrs. Farquhar, referring to the above letter, General Sher
"But you have a double claim as the daughter of General A. S. William
always claimed that, by our winter's campaign from Atlanta to Goldsbo
shortened the duration of the war itself by a full year, or saved this Gov
full thousand million of dollars. Your father was one of my four corps con
and his honest share of this 'saving' would give you 'thousands of dollar
of 'tens,' so that through him, as also through your noble husband, you
honest claim on the bounty of this Government. * * * In any and ev
you may turn to me as witness or advocate of your claim and that of you
to a generous treatment by the agents of the United States."

The evidence on file in the Pension Office shows that Colonel Farquhar, a
uating from the United States Military Academy, was in active service tl
the late war, and was afterwards engaged in important duties in conne
the improvements of the Northwestern Lakes. There is an abundance of
from officers of high rank as to the value of his services and his conscienti
tion to duty.

In view of all the facts, the committee recommend the passage of the bil

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 591.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1666.]

The Committee on Pensions, to whom was referred the bill (S. 1666) granting a pension to Edward Corning, have examined the same, and report:

The claimant, Edward Corning, was mustered into the service of the United States as first lieutenant and regimental quartermaster of the Eighty-fifth Regiment of New York Volunteers, December, 1861; he accepted commission as captain and assistant quartermaster of volunteers October 16, 1862, and served until June 12, 1865.

He applied for a pension, but it was rejected on the ground that "no disability exists from causes alleged in claimant's declaration for pension."

The evidence shows that he was several times sick in the service, and certificates to the following effect are on file:

NEW YORK, *July* 1, 1862.

Lieut. Edward Corning is still confined to his bed from the effects of the fever which he contracted while on the Peninsula in Virginia, and in my judgment he will not be able to rejoin his regiment before the 1st of September.

The above statement I certify to as his attending physician.

F. L. HARRIS, M. D.

NEW YORK, *August* 1, 1862.

I hereby certify that Lieut. Edward Corning is still confined to his room, and is unable most of the time to leave his be dfrom the weak and debilitated condition of his system.

F. L. HARRIS, M. D.

The reports of his condition, and the evidence as to the incurrence of the disease in the service, are very full and complete, and the only reason why the case was not allowed at the Pension Office seems to be that one board of surgeons refused to rate him as now disabled. It does not appear when such examination was made, but in view of the subsequent examinations it was evidently a gross injustice. November 26, 1884, a board of examining surgeons had claimant before them and they rate him at one and one-fourth of total. This, however, did not satisfy the Pension Office, and the applicant was sent before another board November 4, 1885, and they report that he was entitled to pension for "total" disability.

Your committee are of opinion that they may safely rely upon the conclusion reached by these two full boards of examining surgeons, and therefore report back the bill with a recommendation that it do pass, with an amendment: insert at the end of the bill "and pay him a pension at the rate of $20 per month."

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 592.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1481.]

The Committee on Pensions, to whom was referred the bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart, have examined the same, and report:

The petitioner entered the service as an enlisted man in the Twelfth Illinois Volunteer Infantry, and was mustered out as lieutenant-colonel of the First West Virginia Cavalry. As a suitor for a pension he has experienced the various stages of disappointment and success. He was at first pensioned at $8.50 per month, but by perseverance and appeals to the Secretary of the Interior he has been raised to $30 a month, the sum at which he is now rated. It appears that the same disabilities existed at the first as at the last rating; it also is apparent that his condition is such that he is incapable of engaging in any occupation whereby he may gain a support. This being the case, it is believed that he should receive an amount sufficient for his subsistence and to enable him to procure such remedies and comforts as his broken condition requires.

From 1861 to 1865 this man was in nearly one hundred engagements; and throughout his efficiency and good conduct are certified by Maj. Gen. John A. McClernand, General John A. Rawlins, General Judson Kilpatrick, General John W. Geary, Governor Oglesby, of Illinois, General John A. Logan, and General P. H. Sheridan. He also was voted a medal by the legislature of West Virginia, in February, 1866, as a testimonial of his patriotism and service.

In the opinion of the committee, the petitioner, by reason of the total disability incurred in the line of military duty, is entitled to an increase rating him at $50 a month, and recommend that the bill be amended by striking out "seventy-two" and inserting "fifty."

The committee recommend the passage of the bill as amended.

O

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1466.]

The Committee on Pensions, to whom was referred the bill (S. 1466) granting an increase of pension to Stephen R. Smith, have examined the same, and report:

The claimant was a private in Company C, Thirty-first Regiment Iowa Infantry Volunteers, and was discharged on surgeon's certificate of disability for gunshot wound of right lung received at the battle of Kenesaw Mountain, Georgia, June 27, 1864. He was pensioned in 1867 for gunshot wound of right lung, and has received various rates, ranging from $8 to $24 per month, since June 12, 1865, the date of his discharge, and the latter is the present rate of allowance, having been advanced to that sum under the provisions of the act of March 3, 1883.

He subsequently made application for increase, and on June 17, 1884, was examined by the board of examining surgeons at Washington, D. C., who reported adversely to his application for increase, solely because he was receiving the maximum rate allowed by the pension law, and conclude their report as follows:

His disability is equivalent to the loss of a hand or foot.

The medical examinations held in this case have uniformly found—

That the disability is permanent; that the ball still remains in his body; that he suffers much from dyspepsia and pain of right lung; that he cannot perform any labor requiring the active use of his arms; that the wound yet remains open and discharges pus freely; that the wound is still an open suppurating ulcer; every symptom of consumption; the right arm partially paralyzed; general debility exists.

In view of the facts as presented, your committee believe the claimant entitled to an increase of pension, and recommend that the bill be amended in line 7 by striking out the word "forty" and inserting the word "thirty," so that the bill will read "thirty dollars per month."

Amended as above, we recommend the passage of the bill.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 594.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 823.]

The Committee on Pensions, to whom was referred the bill (S. 823) granting a pension to Capt. Elihu Jones, have examined, the same and report:

That Elihu Jones served as a member of Battery G, Fourth Regiment United States Artillery, from December, 1853, until March, 1860, when he was discharged under general orders. He spent some months in recruiting and entered the volunteer service in April, 1861, as a member of Company G, Eighth Illinois Volunteers, becoming captain of the company in February, 1863, and serving in that capacity until October 7, 1864. He was wounded in the right arm by a shell, and is now drawing a pension of $10 per month for that disability. His application for additional pension on account of disease of the eyes was rejected by the Pension Office because he failed to prove treatment therefor in the service, and on the ground that said disease existed prior to enlistment.

There is no question raised as to the claimant's having lost the sight of one eye years ago, and having almost entirely lost the use of the other. There is an abundance of testimony showing that he was a brave and faithful soldier, and a sober and temperate man, who took unusual care of his health. His title to an increase of pension turns upon the point whether disease of eyes existed prior to enlistment. The Pension Office held that it did, basing this action upon a special investigation, which the examiner says was hurriedly made. An examination of the evidence on this point satisfies your committee that this action was erroneous, and that the disease of eyes originated in the service as claimed. This belief is corroborated by the fact that claimant was able to perform efficient service for more than three years and was not troubled seriously with his eyes until near the close of his service, as well as by the further fact that claimant served over seven years in the Regular Army prior to enlisting in the volunteer service, and was a sound man during that period.

Your committee believe Captain Jones equitably entitled to a higher pension on account of his disability from his wound and his blindness, and we respectfully recommend the passage of the bill with the following amendment:

"And pay him a pension at the rate of $24 per month in lieu of the pension he is now receiving."

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 595.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1843.]

The Committee on Pensions, to whom was referred the bill (S. 1843) granting an increase of pension to Dr. John W. Mitchell, have examined the same, and report:

The petitioner was surgeon of the Fourth United States Colored Troops, and received an injury by the falling of his horse, for which he was pensioned at the rate of $30 a month. He now asks an increase, and the Commissioner of Pensions informs him that to secure a higher rating he must produce "medical evidence showing a degree of disability requiring the regular aid and attendance of another person."

On this point the affidavit of Dr. S. J. Burnsted, of Decatur, Ill., on file in the Pension Office, says:

> He has been acquainted with claimant about seven years; that he is confined to his room, and is dependent upon the assistance of some member of his family; that he could hardly be more thoroughly disabled than he is and, to all appearances, must remain for an indefinite and uncertain period.

The committee report the bill with an amendment striking out all after the word "to," in the fourth line, and inserting "pay to Dr. John W. Mitchell, late of the United States Colored Troops, the sum of fifty dollars a month from and after the passage of this act, in lieu of the pension he is now receiving," and recommend its passage.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 596.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1235.]

The Committee on Pensions, to whom was referred the bill (S. 1235) granting an increase of pension to Joseph V. Rhinehalt, have examined the same, and report:

That it appears from the records in this case that claimant was a private in Company D, Thirty-fourth Regiment Ohio Volunteers, and was mustered into the United States service July 31, 1861. It also appears that he was wounded in action several times, and was in every particular a good soldier. It appears that claimant now receives a pension of $5 per month for disabilities resulting from wounds received in action, and he now asks for an increase of pension because of total deafness, resulting from disabilities received in battle September 1, 1864.

Declaration for increase of pension on ground of deafness filed May 1, 1880.

Claim rejected on the ground that deafness existed prior to enlistment.

Statement of claimant that he was not deaf when he enlisted, and did not become deaf until the time given, is substantiated by the fact that he was accepted by the mustering officer; also by the affidavits of his captain, his first lieutenant, and several comrades, and by the sworn testimony of a large number of witnesses who had known him from boyhood, and knew that he was not deaf at enlistment and was deaf when he was discharged. It is further substantiated by certificate of Examining Surgeon A. V. Patterson, who found him unable to hear.

Taking into consideration the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage as amended, to wit, by striking out all the bill after the word "infantry," in the sixth line, and inserting the following: "to the sum of $20 per month, in lieu of the amount he is now receiving."

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 597.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1584.]

The Committee on Pensions, to whom was referred the bill (S. 1584) granting a pension to Cornelia R. Schenck, have examined the same, and report:

That the records show that Daniel F. Schenck enlisted as a private in Company D, Fiftieth New York Engineers; that he was promoted to lieutenant and captain for meritorious services, and was detailed upon special duty in organizing the defenses of Washington. The affidavit of George N. Falley, a captain in the same regiment of engineers, states that "Lieutenant Schenck was often on detached service, and during the spring of 1863 reported directly to General Barnard, of Washington, making drawings and engaged on the fortifications about that city," and "regarding his value to the service would say he rose from the ranks to be captain of his company. He was the only officer in our regiment below the grade of captain ever assigned to the important duty of draughting and overseeing the construction of fortifications."

Claimant states that while he was engaged in overseeing the work above mentioned, Captain Schenck contracted the disease in the line of duty which ultimately caused his death. These statements are substantiated by affidavits of soundness before enlistment, and to the existence and continuance of the disease after he was mustered out; also by the affidavits of physicians who treated him, and who testify that the disease which caused his death (entero-colitis) was the result of disabilities incurred during service in the Army.

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill and recommend its passage.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 598.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1400.]

The Committee on Pensions, to whom was referred the bill (S. 1400) granting a pension to William H. Beck, have examined the same, and report:

That the records in this case show that William H. Beck enlisted as a private in Company K, Eighth Regiment Iowa Volunteers, on September 21, 1861, and was discharged April 20, 1866. Declaration for pension filed April 4, 1879, alleging that on or about June 15, 1863, claimant incurred epilepsy, since which time epileptic attacks come on from one to ten days apart; claim rejected on the ground "that there is no record of the alleged epilepsy, and claimant has declared his inability to furnish testimony of commanding officer as to origin, of regimental surgeon showing treatment in service, or medical testimony showing existence at discharge."

Claimant testifies that, on or about May 18, 1863, he came from guard duty, and went to sleep in a trench in the hot sun close to where a piece of heavy artillery was being fired almost constantly, and the next thing claimant realized was that he was being carried to a temporary hospital in rear of the trenches where he remained a few days, and then returned to duty, and that ever since that time the epileptic fits have become more frequent and severe.

Claimant's testimony is corroborated by affidavits of comrades Corporal M. Ryan and private L. M. Kensey, who found him in the trench as stated, and that at each discharge of the artillery it brought on another fit.

Also the testimony of Samuel B. Davidson, who was present at that time, and who had been with claimant from September 21, 1861, until that time, and knew he was sound and healthy.

Testimony of claimant is further corroborated by affidavits of neighbors and friends, and the family physician, as to claimant being sound and free from epilepsy or other diseases before enlistment, and the testimony of neighbors as to the occurrence of the epileptic fits since claimant's discharge.

To all this testimony there is to be added the certificate of the examining surgeon under the direction of the Pension Office, signed L. A. Perce, M. D., to the effect that he contracted this disease in the service, and that he is "entitled to one-half total pension for privates, or $4."

We can see no reason why this pension should not have been allowed by the Pension Office.

Taking into consideration the evidence on file the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

CONGRESS, Session. | SENATE. | REPORT No. 599.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

ıWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 791.]

ɔmmittee on Pensions, to ıchom was referred the bill (S. 791) granting ısion to George W. De Motte, have examined the same, and report:

committee, in their investigation of this case, find that the claim-ılisted in Company K, Fifty-third Regiment Illinois Volunteers, ı 21, 1864, and that he was discharged July 22, 1865. That he application for pension August 3, 1877, alleging "disease of lungs ıronic diarrhea, from measles, at Camp Butler, Illinois, in April,

claim was rejected by the Commissioner of Pensions on the ground re being no record of chronic diarrhea or disease of lungs in serv-ıd no medical or other satisfactory evidence in service or at dis-ɜ. The papers in the case, however, exhibit statements and affi-ı which collectively tend to weaken the conclusion reached by the ıissioner.

Young and F. M. Young testify to claimant's soundness prior to nent.

ı claimant testifies—

he cannot find any of his commissioned officers; that the regimental surgeon ɔorted killed in one of Sherman's marches; that he has had no family physi-ɜat him since discharged; they all told him they could do him no good.

V. Bollinger testifies—

he has known claimant since 1865; has lived near him, and labored with him all the time that the claimant was able to labor. He has been disabled by sease and chronic diarrhea more than one-fourth of the time. Has been totally d during last year.

V. Bollinger corroborates the above fully.

L. Tyler testifies—

he has known claimant intimately since 1878; that the claimant has been in ɔloy. He has suffered continually from lung disease and of bowels during that ıas been unable to perform manual labor during that period, frequently confined e and bed for days at a time.

esponse to call for additional testimony, claimant says—

as traveling all the time, trying to regain his health; that he was treated for ıases at Camp Butler, Illinois, April and May, 1864, but not by any regimental ı; that he has been unable to furnish testimony of his commissioned officers, for son that he did not report to them, for fear of being sent from his command ıtment; that his physicians assured him that only time and a change of climate ɜenefit him, and for this reason never employed a physician.

Dr. Hibben, examining surgeon, in his report of examination i January 28, 1880, says disability probably permanent. Finds careful physical examination no abnormal condition of the lungs for second disability, chronic diarrhea, some little emaciation, to healthy, abdomen enlarged, and recommends a rating of three-eig total, equal to $3 per month. The board of examining surgeons, u date of June 7, 1882, increases rating to one-half total, equal to $ month, and the board, under date of September 9, 1885, makes r at three-fourths total. The medical examinations show clearly the e ence of the disability at the present time, and the continuance sinc charge is also clearly established, as well as his prior soundness. T is no suggestion of fraud, nor anything to justify the suggestion, were made.

Your committee are of the opinion that the claimant is entitled pension, and recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 600.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1509.]

The Committee on Pensions, to whom was referred the bill (S. 1509) granting a pension to William H. Moore, have examined the same, and report:

That the claimant, William H. Moore, enlisted August 13, 1862, in Company F, Thirtieth Regiment, Iowa Volunteers, and that he was discharged June 5, 1865. Made application for pension April 18, 1881, alleging in his declaration:

That on or about August 25, 1862, while in the United States service, and in the line of duty at Keokuk, Iowa, he contracted measles.

The claim was rejected by the Department on the ground that the "disabilities from which claimant is disabled do not result from the cause alleged, viz, measles, with the exception of nasal catarrh, which is susceptible of proof as having so resulted."

The claimant testifies—

That five years prior to his enlistment he followed the occupation of a farmer. That for three years after the war, was a medical student, and has practiced medicine since. That at Camp Lincoln, Keokuk, Iowa, in 1862, was taken with measles, received a fall while convalescing from same, and while being removed from hospital to camp under the direction of Dr. Hughes (now dead), in which fall he received injuries to his back (lumbar region), from which he never recovered; that after the incurrence of said injury he was kept at headquarters as clerk. Was treated by regimental surgeon, whose whereabouts is unknown. After discharge was treated by Dr. Quigley (now dead); has since taken counsel, but has treated himself. No other disease. Claims that said injuries affect his spinal column; was treated at the medical college hospital, Keokuk, Iowa.

The soundness of the claimant prior to enlistment is clearly shown by the affidavits of a number of witnesses. Captain Woodson and Lieutenant Miller testify:

That claimant contracted measles about October, 1862, at Camp Lincoln, Keokuk, Iowa; that he was in the hospital about a month before his health would permit of his return to his company, and while being transferred received injuries to his back (lumbar region) from which he has never recovered.

Dr. D. B. Allen, surgeon, testifies—

That he did not keep a record, and cannot call to mind any individual cases.

Dr. Price testifies—

That he was sound prior to enlistment; that he prescribed for him August 28, 1862, for measles. Affiant was then acting as hospital steward. Remembers conversing with him at his home about his still suffering with pain in his back, result of Army service during the summer of 1865. Has not treated him since service; has an impression of treating him at different times while in the service, but can't fix dates; has an indistinct recollection that the claimant reported at sick call at Helena, Ark., in December, 1862.

Dr. C. G. Lewis testifies—

That he kept no record and cannot call to mind individual cases. That he treated claimant on the steamer, Stephen Decatur, on the way from Saint Louis, Mo., to Vicksburg, Miss., about December, 1862, for lame back, supposed to be the result of measles, from which he was just recovering.

Dr. Greenleaf testifies—

That he was claimant's physician prior to enlistment; saw him at Woodville, Ala., about February, 1864; conversed with him, and he complained of his back hurting him.

Dr. J. A. Maggood, examining surgeon at Wellington, March 31, 1882, certifies to his belief, that the disability originated in the service and rates him at one-fourth total.

The board at Harper, Kans., under date of April 1, 1885, rates him at $12 per month, and in addition says:

We find him suffering from nasal catarrh to such an extent, as to completely destroy sense of smell; has also couple of pile tumors, which he says become much aggravated when he is suffering from retention of urine.

Reports from the Adjutant-General verify presence of all comrades who testify, and letters from postmasters substantiate the credibility of all affiants.

Your committee are of the opinion that the claim is clearly established, and recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 601.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1467.]

The Committee on Pensions, to whom was referred the bill (S. 1467) granting a pension to Mrs. Margaret Smith, have examined the same, and report:

That the claimant is the widow of Sergt. Joseph Smith, late of Company H, Fourth United States Infantry; Company H, Sixth United States Infantry, and Company B, Tenth Regiment Kansas Volunteers. She made application to the Commissioner of Pensions, but the claim was rejected on the ground "that the soldier's death was not a result of any disease contracted in the United States service."

Sergeant Smith was pensioned October 9, 1850, for injuries of veins of right leg, from long and continuous marches during the war with Mexico. During the rebellion he served from July 26, 1861, to August 8, 1863, when he was discharged for disability. Was restored to the pension-rolls February 18, 1867, to date from his discharge from the volunteer service August 9, 1863, and was a pensioner at date of his death, which occurred August 10, 1881, the cause of death being stated as "old age and chronic disease of liver."

Joseph Smith served in the armies of the United States, volunteer and regular, a period of thirty-two years. He participated in the Florida war, the war with Mexico, and in the war of the rebellion. During his last illness, covering a period of two years and eleven months, he was confined to his bed, and at times not able to move without assistance. The claimant attended him constantly, and as a result is completely broken in health, aged, and unable to earn a living. Her home had to be sold at great loss to enable her to purchase food, medicine, and medical attendance for the soldier.

A number of leading citizens of the city of Leavenworth certify to the respectability of the claimant, and petition Congress to grant her a pension, believing that the soldier's death was indirectly caused by his long and faithful service in the armies of the United States.

Your committee, being of the same opinion, recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 602.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 363.]

The Committee on Pensions, to whom was referred the bill (S. 363) granting a pension to Edward Ayres, have examined the same, and report:

The petitioner was a member of Company F, Fifty-first Indiana Volunteers. His application has been pending a long time before the Commissioner of Pensions, and the testimony is voluminous, and to some extent contradictory. The claim is based upon an alleged injury to the hip, received at the battle of Day's Gap, Ga., in April, 1863; and the ground of rejection is that the injury existed prior to enlistment. The record evidence proves that he was in this engagement, but there is no proof from this source that he was wounded. By numerous comrades who were present it is proven that he was hurt by the explosion of a shell, as claimed. It is also shown that he has been disabled ever since; and the examining surgeon specifically describes the wound, and twice verifies that he is permanently disabled.

From the fact that a man was exceedingly liable to injury under the circumstances in which he was placed, and from the evidence of eye-witnesses, the committee are of opinion that he was wounded as alleged. As to the existence of the disability before enlistment, it does not seem probable or even possible that the soldier would have been accepted in the shattered condition described by the evidence on file.

The bill is reported favorably, with a recommendation that it do pass.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 603.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1586.]

The Committee on Pensions, to whom was referred the bill (S. 1586) granting a pension to Maria Hollands, have examined the same and report:

Joshua Hollands, the husband of the petitioner, was, at the time of his death, receiving a pension of $8 a month for a wound in the wrist received while on detached duty. By the widow it is claimed that this injury was the cause of his death, and in proof she furnishes the affidavit of H. E. Desmond, of Atchison County, Kansas, who testifies that he treated the husband of the applicant continuously for five years previous to his death—

For nervous prostration, palpitation of the heart, and severe, acute pain in his wounded hand; the effect of which upon his nervous system, through grief, anxiety, and fear, and the functional disturbance of the heart, producing neuralgia of the heart, which was the cause of the soldier's death. The patient being compelled to labor for his support and that of his family, the exertion on his part had a tendency to produce frequent attacks, from one of which he died August 13, 1884.

The medical reviewer of the Pension Office briefly expresses the opinion that there is no connection between the wound and the heart affection.

The difference in the two reports is that the first is careful, candid, and specific, while the second is simply a negative statement.

In the opinion of your committee it is reasonable to infer that the intense suffering of the man by reason of his wound, aggravated by the necessity for using it in his daily toil, may have produced effects which ultimately resulted in his death.

The bill is reported favorably, with a recommendation that it do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 604.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 824.]

The Committee on Pensions, to whom was referred the bill (S. 824) granting a pension to Mrs. Ida Davenport, having considered the same, respectfully report:

Mrs. Ida Davenport is the widow of William W. Davenport, who was deputy provost-marshal for the ninth district of Missouri from June 1, 1864, to September 1, 1865. In consequence of severe exposure during this service he contracted inflammatory rheumatism, which soon became chronic and disabled him completely. He was pensioned for this disability, which was the cause of his death. His widow's application for pension was rejected by the Pension Office, which held that, as the word "injury" alone was used in the statute granting pensions to provost-marshals, they were only entitled to pensions for wounds and not for disease.

There is no controversy as to the facts in the case, and the testimony shows that Davenport contracted his disability by reason of unusual exposure while in the line of duty, and was continuously thereafter totally helpless until his death. There is no doubt that his disability and his death were due to his exposure in the service of the United States, and your committee do not believe that his widow should be deprived of a pension because her husband, in the performance of his duty, happened to contract disease and did not happen to be wounded.

Your committee therefore recommend that the bill do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 605.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1124.]

The Committee on Pensions, to whom was referred the bill (S. 1124) granting a pension to William Bethuren, have examined the same, and report:

That the claimant enlisted as a private in Company I, Fourteenth Kansas Cavalry, August 1, 1863, and was discharged June 25, 1865; that he made application for pension June 6, 1878, alleging as the basis of his claim—

That at Fort Smith Ark , April, 1864, took measles, and having been detailed from regiment was compelled to lay out-doors. When they came to take him to the hospital he was so stiff could not walk on account of taking cold.

The claim was rejected by the Commissioner of Pensions on the ground that the "alleged disability was not incident to the service and line of duty." The claimant testifies:

That after the attack of measles and results therefrom he had a weakness of knees and back which has continued ever since; prevents him from lifting any heavy weight or from walking fast; that if he stoops over he falls forward; that he walks in a staggering manner; strangers often think he is drunk; that he was doing duty with his regiment at the time he was taken with measles; that by weakness of back and knees he meant what the physicians call Saint Vitus's dance.

Claimant files affidavit that the physician who attended his family prior to enlistment is dead.

Eliza Stout, W. T. Appier, Wellington Burchnell, E. F. Broughton, and Joseph Rickabaugh all testify to claimant's soundness prior to enlistment.

Lieut. Joseph Rickabaugh testifies that he was on detached duty most of the time while in the service:

That for months after claimant's enlistment he was a sound, able-bodied man; frequently saw him; appeared well until he saw him in the hospital at Fort Smith, Ark., in the fall of 1864; is not certain of the year, but thinks it correct as above; that claimant was absent without leave, if at all, before May 26, 1864, and that he was sick with measles after that time; knows by records in his possession; that he was at Fort Smith, Ark., May 26, 1864, where he saw claimant well and on duty; that frequently thereafter he saw claimant on duty up to the time he was taken sick with the measles.

W. T. Appier, comrade, testifies:

That claimant was sound before entering the service, and continued so until about April, 1864, when he took the measles, while on duty at Fort Smith, Ark., and was sent to the hospital at that place. Before that he had no trouble with his limbs, but was active and stout,

Surgeon Chenowith, Fourteenth Kansas Cavalry, states that his recollection is—

That claimant was sent to the regimental hospital at Fort Smith in spring of 1864 with measles, from which he was returned early in June, 1864, and was treated in regimental hospital for debility until late in summer or early fall, occasionally doing light duty. Does not positively remember his condition; thinks his eyes were sore and vision bad. He was weak, and remained so until regiment was mustered out.

J. B. McKinley, first sergeant, states claimant suffered in June, 1864, from an affection of spine caused by measles. William F. Curry, comrade, testifies to same condition as Sergeant McKinley. Dr. J. W. Trewathy testifies:

That he has known claimant sixteen years (1865 to 1881); been his physician most of that time. When I was first called he had chorea (Saint Vitus's dance); said disability has continued ever since. Disabled at least one-half; never less than one-half, and has grown upon him; believes measles in service the exciting cause.

Eliza Stout testifies to continuance of claimant's disability since service from Saint Vitus's dance.

Dr. Hibben, examining surgeon, March 26, 1881, in his report to the Commissioner of Pensions, says:

The disability is probably permanent. The disability is "locomotio ataxia." His gait is precipitate—staggering—legs hither and thither vaguely, his heels coming down at each step with a stamp; eyes partially closed; hearing impaired. Has a younger brother similarly diseased; knows nothing further as to family predisposition. Rates him one-half total, or $4 per month.

The Emporia board of examining surgeons, under date of February 7, 1883, find substantially as above, and rate him total third grade, or $15 per month.

The Emporia board made an additional examination November 12, 1884, and rated for resulting disability second grade rating. This case has been specially examined.

Special Examiner John Q. White, under date of January 30, 1885, thinks claimant was sound at and prior to enlistment. Thinks disability was not the result of measles, but is hereditary in the family. Reports claimant in very destitute circumstances, and probably now an inmate of the Lyon County poor-house, as he was to be taken there on the day he took his final statement. Examiner White submits an additional report under date of April 30, 1885; concludes the case is without merit, but recommends further examination.

A. M. Legg, special examiner, under date June 20, 1885, concludes that claimant was not in line of duty at the time he contracted the alleged disability, and thinks the claim should be rejected, but recommends further examination. Mr. B. T. Chase, supervising special, examiner, recommends rejection, giving as his opinion that the disability is chorea and its results, and that it is hereditary, and not chargeable to his army service.

Your committee are of the opinion the claimant was an able-bodied man when he entered the service, and that he contracted measles therein; that he was a good soldier and rendered fair service; that he is now a pauper, unable to perform manual labor, an inmate of an almshouse, and that it is their opinion that the spirit of the law covers this class of claimants, and they therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 606.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1257.]

The Committee on Pensions, to whom was referred the bill (S. 1257) granting a pension to Lieut. Henry Shively, have examined the same and report:

The claimant, Lieut. Henry Shively, late of Company D, Twelfth Kansas Volunteers, enlisted September 25, 1862, and was discharged August 6, 1864. He made application for pension March 24, 1881, alleging in his declaration—

That in January, 1863, while in command of a squad in pursuit of guerrillas in Missouri, he incurred enlargement of testicles and *savier*, caused by his horse throwing him forward on the horn of his saddle; also contracted pains in his shoulder and neck.

The claim was rejected by the Commissioner of Pensions on the ground of "no record of the alleged injury and the inability to prove origin in the service and line of duty." The claimant testifies—

That soon after the organization of the regiment he was detailed as scout, with a posse of men (mounted) to watch the Missouri border, and while in the discharge of duty he was thrown on the horn of his saddle, injuring his testicles, which were much swollen for some time, and the enlargement has never entirely disappeared. It was several days before they reached camp, and, having gotten better, said nothing about it to any one. He continued to perform post duty on the border, and as a result of the injury and the fatigue and exposure, riding day and night over the prairie, his manhood gave way, and he became generally debilitated until his discharge. Never was in the hospital. Upon his arrival home (November 1, 1864) his right testicle began to grow worse, and was treated by Dr. Hower. Afterwards the left one did the same, and he was treated by Dr. Merrill.

Thomas R. Wilkinson, C. L. Robbins, and Alfred Johnson testify to soundness prior to enlistment.

Captain Ashby testifies—

That for the first six or seven months of service no officer of the regiment performed more arduous duty than the claimant; that he was often detailed and served as a scout. In the winter of 1862 and 1863 his health began to fail, and he resigned in the summer of 1864. Claimant was an able-bodied man prior to his enlistment.

W. L. Sevill testifies—

That in October, 1864, he accompanied claimant home from Fort Smith, Ark., to Fort Scott, Kans., and that claimant was sick and grew worse.

Dr. Lindsay, regimental surgeon, testifies—

That he treated claimant at Fort Scott, Kans., in December, 1863, and at Fort Smith in July, 1864, for liver disease and general debility, and in July, 1864, recom-

mended his discharge for said diseases. From July to October he was weak and debilitated, and had a yellow or jaundiced appearance. Did not see him again until 1881, when he finds his testicle enlarged and tender.

R. H. Kirkland, comrade, testifies—

That in January, 1863, in Cass County, Missouri, while scouting, claimant was disabled by being thrown on the horn of his saddle, hurting his testicles, and causing a permanent enlargement of the same.

Dr. Hewer testifies to treatment for enlargement of the testicle.

Dr. Merrill, his family physician, testifies to treatment for spinal disease and disease of testicle, since 1869. Orrin R. Hoag and John N. Powell testify to continuous disability from 1865 to 1881.

Dr. J. T. Paxmere, examining surgeon at Ottawa, Kans., under date of January 10, 1883, reports:

Claimant has hypertrophy of both testicles, the left fully as large as a goose egg, the right about the size of a hen egg. Has to wear bandages to support the weight, and enable him to get around. Rates his disability at third grade or $12 per month, and certifies that in his belief, from his examination, it was received in the service and in line of duty.

Your committee think the claim should be allowed, and recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 607.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 327.]

The Committee on Pensions, to whom was referred the bill (S. 327) granting a pension to James E. O'Shea, have examined the same, and report:

The committee ascertain from the record report that this claimant enlisted in April, 1861, and was discharged in October, 1864. He asks to be pensioned for disability, occasioned by a gunshot wound in the leg, which was disallowed on the ground of want of evidence that he received the wound in the line of duty. The examining surgeon finds the wound, and describes the entrance and exit of the ball; also, a wound or scar in the head, and the nearly total loss of sight of one eye. The report of the Surgeon-General shows that the soldier was in hospital more than once, but the record does not give the cause for which he was treated. The Adjutant-General's report shows that the man was under discipline for some irregularities, but, notwithstanding this and the lack of the required proof that he was wounded in the line of duty, the committee are of the opinion that, situated as he was, he was very liable to, and very probably did, receive the wound from which he has suffered and is still suffering.

The fact that the records of the War Department are often imperfect works great hardship to men who apply for pensions, and where there is reasonable proof to substantiate a claim the committee are of the opinion that the absence of record testimony should not deprive him of relief.

Inasmuch as there is proof that the soldier received the wound, and that he is badly disabled from it and other causes shown by the medical examiners, and that he is old and destitute, the bill is reported favorably with a recomendation that it do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 608.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 973.]

The Committee on Pensions, to whom was referred the bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean, have examined the same, and report:

This bill provides for increasing the pension of Mrs. Sarah P. McKean from $30 to $50 a month. She is the widow of Thomas J. McKean, who was a graduate of West Point, served in the war with Mexico, and in the war of the rebellion with the rank of brigadier-general. Her present pension is the rate for the rank of lieutenant-colonel, being the highest grade allowed under the general pension laws. The petitioner is over sixty years old, has no income from any other source, and needs the increase for her comfortable support.

Your committee report the bill favorably, with a recommendation that it do pass.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 609.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1841.]

The Committee on Pensions, to whom was referred the bill (S. 1841) granting a pension to Joseph Shull, have examined the same, and report:

The petitioner was a private in company G, Seventy seventh Regiment Illinois Volunteers, and applied for a pension in April, 1872, for injuries resulting from a gunshot wound of head. The application was rejected on the ground that there is no evidence of disability. The board of examining surgeons and the physicians to whom he was directed to report for special examination agree as to the existence of disability, but disagree as to its extent.

The testimony of the captain, of his comrades, and acquaintances shows that the man received a hurt, and that he is disabled in consequence.

Your committee report the bill favorably, with a recommendation that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 610.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1648.]

The Committee on Pensions, to whom was referred the bill (S. 1648) granting an increase of pension to William Collinsworth, have examined the same, and report:

The petitioner was a private in Company G, One hundred and eleventh Illinois Volunteer Infantry. At the time of his enlistment he was forty-eight years of age; but he served from 1862 to June, 1865, and was wounded at the battle of Resaca, Ga. For this he was pensioned at the rate of $6 a month, commencing June 7, 1865. By his age, now over seventy years, and his protracted sufferings from his injuries, he is totally unable to engage in any employment for his support. This is certified by the affidavits of physicians who have attended him for many years, and by numerous neighbors. It appears, also, that three of his sons were soldiers, and lost their lives in the service, so that he is thus deprived of assistance that would otherwise have been available.

In view of the helplessness of this aged and suffering man, your committee report the bill and recommend its passage.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 611.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1217.]

The Committee on Pensions, to whom was referred the bill (S. 1217) granting a pension to Henry Bellion, have examined the same, and report:

The application of the petitioner was rejected by the Pension Office on account of his inability to furnish satisfactory testimony connecting the alleged disabilities with the service and line of duty.

The Adjutant-General's report says:

Henry Bellion enlisted on the 12th day of February, 1855, and was assigned to Company E, First Regiment of United States Dragoons, and that he was discharged February 12, 1860, by reason of expiration of service. Muster-rolls reporting him absent or present do not show nature of disability.

The Surgeon-General's report says that Private Henry Bellion, Company E, First Regiment Dragoons, was sent to hospital, Fort Walla Walla, Washington Territory, October 2, 1857, with gunshot wound.

Both the Adjutant and the Surgeon General admit that the records are defective.

The board of examining surgeons find: "A ball has struck his right leg about midway of its length, outside the tibia, and been removed." The right index finger has been injured and amputated. They also find inguinal hernia, requiring use of truss.

The soldier avers that he is unable to learn whether the surgeon of his regiment is living or dead; that many of his comrades, immediately after discharge, enlisted in the Union service, and he has never heard of them since; and that it is impossible to furnish the testimony required.

In view of all the circumstances, the committee feel that it is only an act of justice to concede some relief to this man.

The bill is reported favorably, with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 612.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1288.]

The Committee on Pensions, to whom was referred the bill (S. 1288) granting a pension to Robert Holsey, have examined the same, and report:

The petitioner was a private in Company H, Ninth Kansas Cavalry, and asks for a pension in consequence of disabilities contracted in the line of his duty. The report of the Surgeon-General shows that he was in the general hospital from September 14, 1863, to January 1, 1864; also that he was treated in January, July, and August, 1863. Three comrades testify to his sound condition when he enlisted.

Lieutenant Cram, who was in command of the company, gives evidence of the suffering condition of the soldier, and in consequence put him on light duty. The same witness says:

> That on the 20th of April, 1863, the claimant was sent with others from Leavenworth to Levy, Kans., as burial escort; that they were exposed to storm and night travel, after which the claimant was sick in camp and hospital, and that he was in feeble health when mustered out.

Comrade Crotts gives similar testimony, and adds that he was with claimant from December 20, 1863, to March 6, 1864, and was at his bedside every day.

His neighbor, John G. Chase, was acquainted with him soon after muster out, and knew that he was ill and totally unable to labor during the space of five years.

Dr. H. D. Hill testifies, in affidavit dated November 9, 1882—

> That he has known the petitioner during the past ten years, and that he has always appeared to be in feeble health, and that on examination he found him greatly reduced by a complication of diseases, including affection of lungs, liver, and kidneys.

There is a large amount of testimony from comrades and neighbors, all of whom appear to be reliable and disinterested witnesses, which favors the petitioner's claim, and there is no evidence of an adverse description.

The claim was rejected by the Pension Office on the alleged insufficiency of the medical proof.

We find a report of an examining board, dated November 12, 1882, which states that the disability is permanent; that there is evidence of kidney trouble, which is rated at half total.

A subsequent examination by the same board reports that the claimant has Bright's disease, and rates the disability as total.

Your committee report the bill favorably, with a recommendation that it do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 613.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1303.]

The Committee on Pensions, to whom was referred the bill (*S.* 1303) *granting a pension to John Ross, have examined the same, and report:*

That the papers in this case show that claimant enlisted as a private in Company E, First Regiment Kansas Colored Volunteers, August 10, 1862, and that he served with his command about four months without being mustered in. While in the service he was attacked with inflammation of the eyes and became totally blind, and has been so ever since.

Declaration for pension filed December 4, 1865; claim rejected January 18, 1866, on the ground that he "was never mustered."

The testimony in this cause supports the statement of claimant, and the certificate of the examining surgeon, R. B. Howard, states that the disability originated in the line of his duty, and that claimant is totally blind. Certificate dated March 27, 1883.

Taking into consideration the evidence filed in this case, your committee believe it to be their duty to report in favor of this bill, and recommend its passage.

O

H CONGRESS, } SENATE. { REPORT
st Session. } { No. 614.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1304.]

Committee on Pensions, to whom was referred the bill (S. 1304) grant-g a pension to William Reynolds, have examined the same, and report:

hat the records in this case show that claimant enlisted July 28, 2, and that while in camp, before being sworn into the United States vice, he was wounded by a musket-ball, discharged from a gun in hands of a comrade, and that the shooting was accidental. The and necessitated amputation of the right leg above the knee. Decla-ion for pension filed June 7, 1873; claim rejected December 26, 1878, the ground that wound was "not received in action, and being itia not in United States service, not entitled under provision gen-l pension law." The statement of claimant is corroborated by affi-its of Rian G. Stingley, his captain, and by the surgeon who per-ned the operation, and by others.

t was clearly the intention of the claimant to be enrolled and mus-d into the United States service. The wound was received while he s, to all intents and purposes, in the line of duty, and it therefore pears to be a proper case for pension. Therefore, taking into con-eration all the evidence on file in this case, your committee believe o be their duty to report in favor of this bill, and recommend its sage.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 615.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1289.]

The Committee on Pensions, to whom was referred the bill (S. 1289) granting a pension to Thomas J. Owen, have examined the same, and report:

That the records in this case show that claimant was a private in Company B, Twelfth United States Infantry, Mexican war; that while in Mexico, and after the battle of Cerro Gordo, he was taken sick and became disabled, and has ever since suffered from said disability. Declaration for pension filed June 16, 1880; claim rejected March 14, 1883, on ground of "no records."

Claimant's statements are corroborated by affidavits of comrades Addison, Vanarsdol, and John Inman, who testify as to claimant's soundness before enlistment, and to the disability contracted while in the line of his duty in Mexico; also by the affidavits of neighbors who have known claimant many years, and who knew of the continuance of the disability.

Claimant's statement is further corroborated by the certificate of Examining Surgeon Thomas Lindsay, who rates his disability, one-half for hemorrhoids, one-half for rheumatism.

Taking into consideration all the evidence filed in this case, your committee believe it to be their duty to report in favor of this bill, and recommend its passage.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 616.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 376.]

The Committee on Pensions, to whom was referred the bill (S. 376) granting a pension to L. V. Hollyfield, have examined the same, and report:

That the rolls of the Adjutant-General's Office contain no record of the employment or payment of the claimant. Claimant presents the affidavit of one commissioned officer and two privates that he was employed as "scout, guide, and detective" from 1861 to 1865. They all swear that he was a sound man when he began his service, and his comrades swear that he contracted his disability on or about August 12, 1861. Several physicians testify that the disease still exists. The claim was rejected on the ground that there was no provision made for pensioning employés of the Government who were not regularly enlisted.

The records leave no doubt that the services of claimant were accepted, or that in the line of his duty he incurred the disability, and is therefore equitably entitled to a pension.

Taking into consideration all the evidence on file, your committee believe it to be their duty to report in favor of this bill and recommend its passage.

9TH CONGRESS, 1st Session. } SENATE. { REPORT No. 617.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

r. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1520.]

ie Committee on Pensions, to whom was referred the bill (S. 1520) granting a pension to Henry Domeyer, have examined the same, and report:

That the records in this case show that claimant enlisted November 5, 1861, and was mustered into the United States service January 9, 862, and was discharged May 2, 1862; that he was a private in Company D, Gasconade Battalion United States Rifle Corps, Missouri Volnteers. Declaration for pension filed November 7, 1874, alleging hernia of left side (left inguinal hernia). Claim rejected February 10, 886, on the ground—

That the negative testimony to prior soundness is insufficient to overturn the recrd made by the surgeon of claimant's regiment, showing that claimant was ruptured efore enlistment.

Claimant alleges that he was at one time on duty with artillery, and n riding over a brook the horses jumped, threw him forward on the ames, and ruptured him; that he was seriously injured, and was taken o the hospital in a wagon, as he was unable to walk; that he was a ound man and free from rupture before enlistment.

Claimant's testimony is substantiated by affidavit of his father that laimant was free from rupture before enlistment; also, by affidavit f Jacob Schaffner; by Dr. H. A. Gross, who knew him from boyhood; y William M. Stone, that he was free from hernia. Statement is furher corroborated by the affidavits of Jacob Schaffner and Samuel pindler and Peter Dannser, comrades, as to soundness at time of enistment, and as to the origin of the disability; also, by affidavit of ohn Tschappler, comrade, who staid with claimant the night after he vas injured and saw his suffering; also, the affidavit of comrade Jacob chaffner, who saw him when he was injured; also, the affidavit of Dr. dmund Boerner, who states that it is his belief that claimant was ot ruptured before enlistment; also, the certificate of First Lieut. C. chubert, who commanded the company, and who certifies that at date f discharge "the size of his rupture is such that he cannot stand any ng marching."

The certificate of Examining Surgeons Stedman, Bancroft, and Steele tates that claimant "has a large rupture on left side, difficult to reuce or keep in place by a truss."

Beside all this testimony the records show that this case has twice een reported upon favorably by special examiners sent to the residence

of claimant by the Pension Department to make special inquiry into thi particular case, and that each examiner reports the evidence taken, whicl is voluminous, to be favorable to claimant and a meritorious case.

Your committee therefore do not understand why this pension wa not allowed by the Pension Office.

In view of the evidence in this case, your committee believe it to b their duty to report in favor of this bill, and recommend its passage.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the followin

REPORT:

[To accompany bill S. 1797.]

The Committee on Pensions, to whom was referred the bill (S. 1797) gran ing a pension to John S. Kirkpatrick, have examined the same, and r port:

That the records in this case show that claimant was a private in Cor pany K, First Regiment Colored Volunteers; that he was a soun strong man when he enlisted, and that during a long, tedious marc from Fort Craig to Fort Union, New Mexico, he contracted varicos veins, which have ever since that time prevented him from performin manual labor; that he is sixty five years of age, and totally unfit for an manual labor. Statement of claimant is corroborated by testimony c comrades and neighbors; also, by certificates of examining surgeo L D. Hall and Max Kennedy, who both testify that this is the wor case of varicose veins they ever saw; and rate his disability total ther for.

Taking into consideration all the testimony on file in this case, tl committee believe it to be their duty to report in favor of this bill, an recommend its passage.

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CONGRESS, } SENATE. { REPORT
Session. } { No. 619.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

ıAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1726.]

Committee on Pensions, to whom was referred the bill (S. 1726) grant- a pension to Augustus Field Stevens, have examined the same, and ort:

e record shows that the petitioner enlisted as a private in Com- L, Second Regiment Illinois Cavalry, on the 12th of August, 1861, was discharged October 4, 1861. The regimental surgeon, who is- the certificate of discharge, says:

d him incapable of performing the duties of a soldier, because of general debil- lvanced age, unfit for service before entering.

asks for a disability pension on the ground that he contracted ıic diarrhea, or dysentery, while in the service. It appears from vidence that he has long been a broken-down man; that he has continuously treated for the ailments named and for other com- ts. There is evidence from comrades and other persons who have n him long showing that he was in good health when he enlisted, hat his illness almost immediately succeeded that event, but there uantity of contradictory testimony biased in about equal propor- or and against the claimant.

om the fact that the petitioner was less than sixty days in the ce, it would appear almost impossible that he should have con- ed disease in the line of duty; nevertheless, he was accepted as a l man, which he undoubtedly was to an extent that qualified him ccupation that enabled him to earn a support. If he was not fit ter the military service, the fault was not his that he was accepted ent to the front, and, while it is possible that his age and other nities were a disqualification, the committee are of the opinion if he had been rejected, as it is asserted he should have been, he d have been in better physical condition, and not in his present y circumstances.

ıe bill is therefore reported favorably, with a recommendation that pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 620.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1224.]

The Committee on Pensions, to whom was referred the bill (S. 1224) granting a pension to Henry H. Stutsman, have examined the same, and report:

The petitioner was a private in Company F, Thirteenth Iowa Volunteers, and claims a pension for hernia contracted in the service. The application was rejected by the Pension Office on the ground that the evidence of record does not sustain the claim.

There is proof of the soldier's soundness when he entered the service, that is ample and satisfactory, and the record shows that he was discharged for disability, and the Surgeon-General's report shows that he was on sick list. The examining surgeon identifies hernia, and that he is one-half disabled from injury to the abdomen. Comrades testify to the occurrence of the injury, and to their knowledge of its existence. The medical testimony says the injury is liable to be permanent, and there is evidence that it is not aggravated by bad habits.

The committee believe there is sufficient proof of the man's soundness before enlistment, and of his disability since.

The bill is reported favorably, with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 621.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 864.]

The Committee on Pensions, to whom was referred the bill (S. 864) granting a pension to Martha F. Woodrum, have examined the same, and report:

That the records in this case show that James Woodrum was a private in Company C, Ninth Regiment Kansas Cavalry, and that while on detached service, and under orders, he was shot dead while on his way to perform the duty assigned.

Taking into consideration the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill and recommend its passage.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 622.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1292.]

The Committee on Pensions, to whom was referred the bill (S. 1292) granting a pension to Nathan Z. Bailey, have examined the same, and report:

The petitioner was a private in Company B, Third United States Infantry. He enlisted September 24, 1844, and was discharged March 13, 1845, for disability, it appearing from the surgeon's certificate that he was on the sick-list thirty-five days of the three months prior to his discharge. In his application he alleges disability from disease of kidneys, and the Pension Office rejected his claim on the ground that there is no evidence of the existence of such disease. It is in evidence that he was treated for chronic rheumatism and general debility. The soldier says he is an unlearned man, unable to make nice distinctions as to human ailments, but he supposed from what the hospital steward told him that his disease was of the kidneys. One examining surgeon says there is no disability. Another says there is evidence of it, and rates him at three-fourths. The man is now nearly seventy years of age, is sick, and has been since his discharge.

The committee report the bill favorably, with a recommendation that it do pass.

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: CONGRESS, } SENATE. { REPORT
t Session. } { No. 623.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

AWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1214.]

Committee on Pensions, to whom was referred the bill (S. 1214) grant- a pension to Reamus G. Morris, have examined the same, and re- t:

e petitioner was a member of Company H, First Regiment Illinois nteers, Mexican war. He claims that in 1846 he contracted black- ne fever and chronic diarrhea, caused by the water, change of cli- , and diet. The Adjutant-General's report says:

:harged by reason of surgeon's certificate of disability, at Buena Vista, March 17.

e testimony of his comrades and others who knew him, and of ad- :d credibility, identifies the soldier, certifies to his honorable dis- ge and to the existence and severity of the disease for which he a pension, and to their knowledge of his having had continuous cal treatment.

e committee believe the proof is sufficient to justify the passage of ill for his relief, which is reported favorably, with a recommenda- that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 624.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 853.]

The Committee on Pensions, to whom was referred the bill (S. 853) granting a pension to Reuben Crowday, have examined the same, and report:

The petitioner alleges that he has disabilities, one from a ball entering his body above the right hip, another from being run over by an artillery carriage, breaking three of his ribs, and a third, the result of a shell wound over the right eye, and that he was treated for these on the field and in hospital. The reports of the Adjutant-General and the Surgeon-General do not corroborate this statement. Some of his comrades testify in support of all that he sets forth, but they were not members of his company.

The medical testimony is contradictory. That of Dr. Isaiah Wood, of Wyandotte, Kans., is quite specific, and describes all of the wounds, attributing to them hemorrhage of the bowels and lungs and the total loss of the right eye. In speaking of the wounds he assumes positive knowledge of their existence and the manner in which they were received.

The medical examinations, three in number, agree in the statement that there is no evidence of gunshot wound of right hip, no injury of ribs, no injury to the eye, no evidence of disability aside from the statement of the claimant.

The report of a special examiner certifies that the man is in a bad condition mentally and physically. He cannot account for the contradictory nature of the medical testimony, but believes he was injured in the service, notwithstanding the conflicting reports of the medical witnesses.

It is evidently one of those cases in which it is impossible to procure the requisite proof, but which, in view of the helpless condition of the man, merits relief.

The committee therefore report the bill favorably, with the recommendation that it do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 625.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1191.]

The Committee on Pensions, to whom was referred the bill (S. 1191) granting a pension to Theresa Schleyer, beg leave to report back the same, with recommendation that it do pass.

Theresa Schleyer is the widow of Charles Schleyer, deceased, late captain of the One hundred and sixth Ohio Infantry Volunteers, who enlisted in that regiment on the 11th day of August, 1862, was commissioned first lieutenant of that regiment November 11, 1862, and captain March 21, 1864, and was honorably discharged from the service June 29, 1865, by reason of the disbandment of the Volunteer Army at the close of the war. On the 17th of February, 1867, said Schleyer was legally married to Theresa Hauselman, by whom he had in wedlock four children, who are still living and none of them yet of age; and on the 6th day of August, 1879, he was struck and killed by lightning, leaving the said Theresa his widow, who has never since married and still survives him. Her application for a pension, which was made July 12, 1882, was rejected by the Pension Office "on the ground that the immediate cause of soldier's death was not one due to his Army service."

The facts remain, and are shown by papers in the labor of your committee, that the widow has since the death of said Charles Schleyer been compelled to support herself and the four children by her own labor as a laundress or washerwoman; that she is and has been in feeble health, which made it painful and onerous for her to perform such severe service; that she and her children—who are also the children of a brave and faithful soldier—have endured much suffering and poverty, which the passage of this bill would serve to greatly relieve.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 626.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1618.]

The Committee on Pensions, to whom was referred the bill (S. 1618) granting a pension to John G. Nicholas, have examined the same, and report:

The petitioner was a corporal in Company F, Ninety-third Regiment Ohio Volunteers. He was mustered in August 20, 1862, and discharged January 8, 1865. He claims that at Kenesaw Mountain, Georgia, about July 1, 1864, he contracted kidney disease and piles, which continue to affect him. There is ample testimony as to his prior soundness. His captain and comrades testify that he appeared to be suffering from the ailments mentioned while they were associated with him in the service at the time named. From the evidence touching his condition since the service, medical and lay, it is shown that he was unable to perform any labor by reason of his prostration from the causes connected with his complaints.

The report of the Adjutant-General is satisfactory as to the standing and service of the soldier, and shows that he was wounded in action at Mission Ridge.

The surgeon who examined him in Kansas certifies to aggravated case of piles, which has greatly reduced him, and from which he is likely to experience severe and increased suffering.

There is a scarcity of medical proof in this case, but in the opinion of the committee there is sufficient to connect the disabilities of the petitioner with the service.

The bill is therefore reported favorably, with the recommendation that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 627.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1287.]

The Committee on Pensions, to whom was referred the bill (S. 1287) granting a pension to William L. Clark, have examined the same, and report:

The petitioner was a private in Capt. John Wilson's company, First Regiment Indiana Volunteers. He enlisted on the 20th of June, 1846, and was discharged on the 17th of August, 1846, on a surgeon's certificate of his disability to perform military duty. It is in evidence that the vessel on which the company had embarked from New Orleans for Mexico was stranded on Padre Island. On the deck were some heavy casks, which broke loose, one of them rolling over the claimant and injuring him severely; also, that while in camp he was stricken with a fever which brought him very low and from which there ensued chronic diseases, from all of which he became totally disabled. His application was rejected by the Pension Office, but the records do not contain a formal or specific statement of the grounds upon which his claim was disallowed.

The evidence is explicit upon the points set forth, and your committee report the bill favorably, with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 628.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

MR. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1446.]

The Committee on Pensions, to whom was referred the bill (S. 1446) granting a pension to Anna Nation, beg leave to report the same back, with recommendation that it be amended by striking out of the seventh line the words "at the rate of $25 per month," and inserting in lieu thereof the words "subject to the provisions and limitations of the pension laws," and that as so amended the bill do pass.

The papers in the hands of your committee comprise a sworn statement by Mrs. Anna Nation setting forth that her husband, Thomas Nation, now deceased, enlisted and served for more than fourteen days in Captain Doke's company of Tennessee Militia in the war of 1812, and was honorably discharged from the same because of a disability (injury to an eye) incurred while in the service. This statement is supported by the affidavit of Jonas Albright, who swears that he knows of his own personal knowledge of the facts as to the enlistment, service, and honorable discharge of the said Thomas Nation from the said company.

The fact that Mrs. Anna Nation, the widow of Thomas Nation as aforesaid, has not remarried since his death, which occurred in 1853, is also fully established. Mrs. Nation made application in July, 1879, for a pension as such widow, but the application was refused by the Pension Office November 1, 1879, on the ground that no evidence as to the alleged service of the said Nation had been presented. The records and roll of the company failed to show his name. The committee, however, are satisfied that the statements sworn to by Mrs. Nation and Jonas Albright are substantially true, and that the widow, now in her eighty-first year, and in very straitened circumstances, is justly entitled to the pension provided by law for the widow of a soldier of the war of 1812.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 629.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1357.]

The Committee on Pensions, to whom was referred the bill (S. 1357) ranting a pension to Sarah A. Thomas, beg leave to report back the ame with recommendation that it do pass.

Samuel H. Thomas enlisted and was mustered as a private soldier of ompany D, Sixtieth Regiment Ohio Infantry Volunteers, on the 17th ay of February, 1864, and was mustered out with his company July 8, 1865. He died December 31, 1879, very unexpectedly, and his famy physician, who reached him a short time after his death, gave it as is opinion that the cause thereof was heart disease.

On the 6th day of January, 1870, the said Thomas was married to arah A. Warne, by whom he had five children born in wedlock, the ldest of whom will reach the age of sixteen years next December. The idow is but little able to perform the arduous duty of earning a maineuance for these five children.

In January, 1880, the widow made application for a pension, alleging hat her husband, the said Samuel H. Thomas, had contracted heart isease and chronic diarrhea in the Army, &c.; but the claim was reected by the Pension Office on the ground "that the fatal disease which erminated in [the] soldier's death cannot be accepted as a result of his rmy service."

A mass of testimony contained in sworn affidavits, the notes of examations of witnesses under oath, &c., has been sent to the committee, pon request of the chairman, from the Pension Office, from which it ppears that the said Thomas was, at the time of his enlistment, a hale, earty, healthy man, and that he came out of the service with broken ealth, a victim to both heart disease and chronic diarrhea; that he sufered from these complaints, more or less acutely, at frequent intervals p to the time of his death.

Your committee are satisfied that the cause of his death originated uring his service in the Army, and that the widow is entitled to the elief proposed by the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 630.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

MR. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1720.]

The Committee on Pensions, to whom was referred the bill (S. 1720) granting a pension to John Thrasher, have examined the same, and report:

That the records in this case show that claimant enlisted in Company E, One hundred and thirty-second Indiana Volunteers, May 2, 1864, and was discharged September 7, 1864. His commanding officer testifies that claimant contracted diarrhea, which became chronic, while he was in the service, and that the disability continued while he was in service. The regimental surgeon testifies to same thing, neighbors and employers corroborate claimant's statement, and that he continues to have the diarrhea, from time to time, so that he cannot do full manual labor.

Taking into consideration the evidence on file in this case, your committee believe it to be their duty to report in favor of this bill and recommend its passage.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 631.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1930.]

The Committee on Pensions, to whom was referred the bill (S. 1930) granting a pension to John Duffy, have examined the same, and report:

The petitioner made application for a pension for injury to right foot and result of measles, the 30th of June, 1880, and was rejected on the ground that the disability of the foot existed before enlistment, and that the measles produced no permanent injury.

The hospital surgeon, who examined him for discharge, says:

The right foot is entirely disabled by ancient injury, and should call for severe censure on recruiting officer.

He enlisted in Ohio Light Artillery in October, 1861, and was discharged in August, 1862.

The examining surgeon reports serious and permanent injury to right foot, which he rates at one-fourth disability. He does not think there exists any other ratable injury. There is evidence showing that the man was sound before he enlisted, and there are witnesses who testify to seeing the accident by which the foot was hurt.

Your committee, without attempting to account for the contradictory statements of the medical men, are satisfied that the man was disabled in the service, and should have a pension rated upon his inability to labor.

The bill is reported favorably, with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 632.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1788.]

The Committee on Pensions, to whom was referred the bill (S. 1788) granting a pension to William S. Moore, have examined the same, and report:

The petitioner was a soldier in Company B, Thirty-second Regiment Illinois Volunteers. He claims a pension for chronic diarrhea, contracted in the service. The surgeon's certificate says he was discharged for phthisis pulmonalis. The examining surgeon finds chronic diarrhea, and rates him one-fourth disabled. Comrades and neighbors testify that he is totally disabled by chronic diarrhea. An examining board fails to discover the appearance of any disease.

The contradictory character of the medical testimony renders it almost valueless, nevertheless the weight of it seems to establish the petitioner's claim. There is ample testimony to prove that he was sound when he entered the service, and that he has never been well since he left it.

Your committee report the bill favorably, and recommend that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 633.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1253.]

The Committee on Pensions, to whom was referred the bill (S. 1253) granting a pension to James D. Haworth, have examined the same, and report:

That the records in this case show that the claimant was a sergeant in Company H, Thirty-third Regiment Iowa Volunteers, and that he served with the regiment until about the month of April, 1863, when he began to complain of "sore eyes," and was treated for sore eyes by Assistant Surgeon William Scott, of the Thirty-third Iowa Volunteers, and that he excused claimant from duty at Little Rock, Ark., in the spring or summer of 1863, because of "blindness in right eye and weakness of left eye;" and there is evidence to show that he did not continue in his regiment after this time, but was transferred to company H, Twenty-first Regiment, Veteran Reserve Corps, where he remained until the expiration of his term of service, when he returned to his home.

Declaration for pension filed February 20, 1879, in which claimant alleges "sore eyes, with complete loss of right eye, and injury to the left eye." Claim rejected November 4, 1880, on the ground that there is "no satisfactory proof that the affection of the eyes is due to disability arising from service, but existed prior to service."

The affidavits of the claimant's mother, two sisters, and a brother clearly show that the claimant could not see out of his right eye from early childhood, and was called "blind" in that eye, although their testimony shows that he could see a little out of that eye, but not much.

One sister testifies that claimant did use an "eye-water" to bathe his eyes with occasionally when they became "sore," and that it was the same eye-water as his father used, who was said to have the same trouble with his eyes.

It appears from this testimony, therefore, that the claimant had "sore eyes," and that the sight of the right eye was much impaired even in childhood, so that it cannot be said that the disease originated from causes growing out of the service.

There is abundance of testimony to show that the claimant's eyesight has failed since he entered the service, and is not now as good as it was before he enlisted.

The committee believes that it is the object of the Government to pension all who are deserving and who have been impaired in health by

faithful services performed, and it is shown by the record that claimant is not able to perform manual labor and often requires help to enable him to get about, and that in consequence of his infirmity he is very poor. It is also shown that the disease is steadily progressing and it will not be long before claimant may become totally blind.

Taking into consideration the evidence on file in this case, your committee believe it to be their duty to report in favor of this bill and recommend its passage.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 634.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1431.]

The Committee on Pensions, to whom was referred the bill (S. 1431) granting a pension to Jane Carr, have examined the same, and report:

The petitioner is the widow of Calwell Carr, late a private in Company F, Thirteenth Regiment of Pennsylvania Volunteers, and who, during his life-time, received a pension for disabilities incurred while in the service. The petitioner claims that his death, which occurred October 14, 1884, was the result of the disabilities for which he was pensioned.

The widow's claim for pension was rejected by the Commissioner of Pensions, for the reason that the mortality certificate, given by Donnel Hughes, M. D., of Philadelphia, attributed the cause of death to cancer of the stomach.

In a subsequent affidavit the same physician testifies as follows:

> Previous to making post-mortem examination affiant gave certificate of death, stating cause to be cancer in the stomach. First saw Calwell Carr about two weeks before his death; found him to be suffering from a severe abdominal inflammation of a chronic character. After death made an examination and found he had chronic inflammation of the peritoneum and enlarged and typical malarial liver. From a history of the case and from what was seen during life, and from results of post-mortem examination, affiant believes all his ill health and early death were caused from exposure during his service in the Army.

In a subsequent affidavit he says:

> My opinion is that the man died from effects of peritonitis caused by the gunshot wound or from exposure at the time of the injury.

There is other medical testimony to the same effect.

Your committee report the bill favorably, with a recommendation that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 635.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 785.]

The Committee on Pensions, to whom was referred the bill (S. 785) granting a pension to George Ham, have examined the same, and report:

The claimant, George Ham, enlisted in Company D, second United States Artillery, December 29, 1859, and that he was discharged at San José, Cal., February 6, 1867, having re-enlisted February 6, 1864. That he made application for pension in 1882, alleging that he contracted rheumatism at Harrison's Landing, Virginia, in July, 1862. The Commissioner of Pensions rejected the claim on the ground that there has been no disability from alleged cause since date of filing his application. The claimant testifies that since his discharge from the service the disease has been continually growing upon him, and that at times during all this period he was unable to perform manual labor, and that now the disease is taking firmner hold upon him, and rendering him more unfit to perform manual labor.

Francis Wathier and William H. Cox, comrades, testify that claimant contracted rheumatism at Harrison's Landing, Virginia, about June 29, 1862; that he was unable to get on his horse without assistance, suffering much until after the battle of Antietam, and still suffering as long as affiants remained in the service, being discharged before claimant.

Claimant testifies that he was ordered to the hospital by the company commander, Emery Upton, while at Camp Upton, Virginia, September, 1862, but had the order countermanded at his own request; that he never was in the hospital; was treated for rheumatism by the assistant surgeon attached to Captain Heximer's New Jersey Battery, at Bakersville, Md., and at White Oak Church, Va. He testifies further that Dr. George W. Church, who treated him for rheumatism in 1867, is dead. Dr. March was of Albany, N. Y., and he is unable to get his testimony; has not called a physician since for that special ailment, and has not published his ailments to his neighbors. He states that it is impossible for him to furnish further evidence in his claim; that it is impossible to find neighbors who can recollect the extent of his disability.

Dr. Knapp, of Osawatomie, Kans., superintendent of the State Asylum for the Insane, testifies that he has known claimant for twelve years; that he was employed at the Kansas State Hospital for the Insane from 1874 to 1877; that all the time he complained, more or less of rheumatism, having frequently prescribed for him in acute attacks of that disease. From his intimate acquaintance with claimant for twelve

years, and daily observation for three years, 1874 to 1877, he would rate his disability to perform manual labor at one-half total. He further states that during the time of claimant's employment he complained more or less of rheumatism affecting intercostal, dorsal, and lumbar muscles, on many occasions being obliged to suspend work for a short time on account of painful respiration or inability to stoop. Claimant is a man of irreproachable character, indomitable courage and energy, but being uneducated, his only resource is manual labor, of which he has been largely deprived by his rheumatic disability. In affiant's belief he often discharged his duties faithfully while suffering a degree of disability which would have caused the average man to abandon his position.

Henry Parker, a neighbor, testifies that he has known claimant since spring of 1874; knows that he has been frequently sick; has waited on him in his sickness, and understood his sickness was rheumatism; attacks were frequent and severe.

Dr. C. A. Wakefield, examining surgeon, Eureka, Kans., December 6, 1882, says he can find nothing to support claim for chronic rheumatism, but is satisfied claimant suffers from some obscure or rheumatic trouble. Based on claimant's statement alone; thinks his disability to amount to one-half total.

In a petition accompanying this bill, numerously signed by soldiers residing in Greenwood County, Kansas, it is set forth, also verified by indorsement on back of his certificate of honorable discharge, that the claimant was present and participated in sixty-two engagements during the late war; that he is the head of a family consisting of a wife and six children who are dependent upon him for support; that claimant is now forty-seven years old, very poor, and health failing him rapidly; that he is worthy of attention. The presence of his comrades who testify to the increase of his disability is verified by the report of the Adjutant-General. All witnesses are credible and reliable men. No suspicion of fraud; and in consideration of his long and faithful service the committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 636.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1770.]

The Committee on Pensions, to whom was referred the bill (S. 1770) granting a pension to Joseph H. Thornbury, have examined the same, and report:

That it appears from the records in this case that claimant enlisted in Company D, Eighth Iowa Cavalry, and while at Davenport, Iowa, and on guard duty, he was wounded in the left hand by the accidental discharge of his gun, and that when the mustering officer came he rejected claimant as unfit for duty by reason of the wound in the hand. Claimant was subsequently mustered into the Veteran Reserve Corps, and served therein until the end of the war.

Declaration for pension filed March 16, 1880; claim rejected February 17, 1886, on the ground that when wound was received claimant was not in United States service.

The affidavit of claimant is corroborated by the testimony of three comrades; also by affidavit of the surgeon who attended him when he was wounded.

It is clearly shown by the records that claimant was on guard duty as a soldier when he received the wound, which has forever disabled his hand, and in equity is clearly entitled to a pension. Therefore, taking into consideration the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 637.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1830.]

The Committee on Pensions, to whom was referred the bill (S. 1830) granting a pension to Mrs. C. A. Bailey, have examined the same, and report:

That the records in this case show that claimant is the widow of Albert Bailey, a private, Company H, Forty-sixth Illinois Volunteers, who enlisted February 20, 1865, and was discharged January 20, 1866.

Declaration for pension filed May 21, 1879, alleging disease of heart and lungs.

Claim rejected February 15, 1883, on the ground of no record of alleged disabilities.

It appears from the testimony of comrades and neighbors that the soldier was sound at the time of enlistment, and the fact that he passed inspection and was mustered into the United States service February 21, 1865, is evidence that he was then sound.

The testimony of comrades who saw him in hospital corroborates his statement, and the testimony of physicians, subsequent to his discharge, shows that the same disease (consumption) continued, and severe hemorrhages supervened, inducing great weakness and finally death.

The testimony of comrades, neighbors, and physicians is unbroken, from the time the disease commenced until it terminated in death. Therefore, taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill and recommend its passage.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 638.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 342.]

The Committee on Pensions, to whom was referred the bill (S. 342) granting a pension to Marrilla Parsons, of Detroit, Mich., having had the same under consideration, make the following report:

The facts in this case show that Marrilla Parsons is the widow of the late ex-Governor Andrew Parsons, of the State of Michigan, and the stepmother of the late Daniel P. Parsons, who enlisted in Company B, Thirteenth Regiment of Illinois Infantry on the 24th of May, 1861; that he was discharged on the 1st day of February, 1863, for promotion as captain of Company D, Eleventh Regiment of Missouri Cavalry, and that from exposure incident to his service he was taken sick and died of consumption at Sterling, Ill., on the 13th of August, 1864, leaving no widow or children surviving him. Under the law Mrs. Parsons is not entitled to a mother's pension, being the stepmother of the deceased, but the papers in the case show that from the time of her marriage until Daniel Parsons, the deceased, left home she exercised the same care over him as a mother would have done, and that after the death of her husband and his father, in 1854, the said Daniel Parsons contributed from his wages to her support as if he had been her own son, and continued to do so up to the time of his death. She received from him the same treatment and affection that would have been given if he had been her own son. The papers also show that Mrs. Parsons, for whom a pension is asked, was dependent upon the support given her by said Daniel Parsons, and that since his death she has been dependent upon other friends, having no property herself.

Your committee recommend the passage of the bill for the reason that Marrilla Parsons is as much entitled to a pension as if she had been the natural mother of the late Daniel P. Parsons.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 639.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1571.]

The Committee on Pensions, to whom was referred the bill (S. 1571) for the relief of the widow of Thomas H. Hay, have had the same under consideration, and report:

The soldier, Thomas H. Hay, was mustered into the service of the United States as first lieutenant, Company H, Fifty-fourth Regiment New York Volunteers, December 1, 1862, and served until July 2, 1863, when he was wounded in the foot at the battle of Gettysburg, where he had command of his regiment. It was found necessary to amputate his left leg just below the knee, and he remained in hospital from July, 1863, until May, 1864, when he was honorably discharged from the service on account of physical disability from wounds received in action. June 27, 1864, he was appointed a first lieutenant in the Veteran Reserve Corps, and remained in that service until March 31, 1867, at which time he was appointed first lieutenant in the Forty-second United States Infantry, which position he retained until December 3, 1870, when he was placed on the retired list of the Army by a board of officers, who found him "unfit to discharge the active duties of his office in consequence of the loss of his left leg, resulting from a severe wound of his left ankle-joint received in the battle of Gettysburg, on the 2d day of July, 1863." It appears that after his leg was amputated he was constantly troubled with severe pain in the knee, which affected his nervous system seriously, producing extreme sleeplessness and prostration. For relief he was obliged to resort to the use of anesthetics, the improvident use of which resulted in his death December 8, 1881.

Your committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 640.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1570.]

It appears that Frank A. Vars, husband of the claimant, was appointed by Herman Biggs, assistant quartermaster, U. S. A., as first mate of the propeller Reliance, December 2, 1861. He was afterwards appointed by General Burnside master's mate of the same steamer. He served from December, 1861, until some time about June, 1862, when he was taken sick and was obliged to leave the service, having taken part in the mean time in the battles of Roanoke Island and Newbern.

The evidence seems to be conclusive that Mr. Vars died from the effects of disease contracted in the service of the United States. The claim was rejected by the Pension Office on the technical ground that he was not actually mustered into the Navy of the United States; but as the fact of the service, and of death as the result therefrom, are clearly proven, they seem to furnish good grounds for granting the relief sought, and your committee therefore recommend the passage of the bill.

The following official documents are hereto appended as clearly setting forth the service of Mr. Vars:

QUARTERMASTER'S OFFICE, COAST DIVISION,
New York City, December 2, 1861.

Mr. F. A. Vars is appointed first mate of the propeller Reliance, and will report for duty to Captain Fenner.

HERMAN BIGGS,
Assistant Quartermaster, United States Army.

Reported December 9, 1861. Pay due from said date.

JOHN SHELD,
Clerk.

HEADQUARTERS COAST DIVISION,
New York, December 5, 1861.

F. A. VARS:

You are hereby informed that you are appointed master's mate of the United States transport vidette Reliance, attached to this division, the appointment to take effect from December 9, 1861, on your taking the inclosed oath before the assistant adjutant-general of this division.

By command of General Burnside.

LEWIS RICHMOND,
Assistant Adjutant-General.

Oath taken before me.

LEWIS RICHMOND,
Assistant Adjutant-General.

STATE OF ———,
County of New York, ss:

GEORGE R. HULL, being sworn, says:

I well knew Frank A. Vars, who was a master's mate on United States vidette Reliance; I knew him while in the service, and of his sickness, which originated about June 1, 1862, and was the cause of his leaving the service of the United States. At the time I was master of the United States transport Ocean Bird, and I brought him to New York in that vessel; I was stationed on the North Carolina station; I am every way a disinterested witness; I reside in New York.

GEO. R. HULL,
Late Captain United States Transport Ocean Bird.

Subscribed and sworn to this 12th day of February, A. D. 1870, before me, and I certify that the affiant is respectable, entitled to full credit, and that I am every way disinterested.

[SEAL.]

MICHAEL PHILLIPS,
Notary Public, New York City and County.

STATE OF NEW YORK,
City and County of New York, ss:

I, Charles E. Loew, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, being a court of record, do hereby certify that Michael Phillips, before whom the annexed deposition was taken, was at the time of taking the same a notary public of New York, dwelling in said city and county, duly appointed and sworn and authorized to administer oaths to be used in any court in said State and for general purposes, and that his signature thereto is genuine, as I verily believe.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court and county the 14th day of February, 1870.

[SEAL.]

CHAS. E. LOEW, *Clerk.*

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 641.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1065.]

The Committee on Pensions, to whom was referred the bill (S. 1065) granting a pension to Emeline J. Babson, have examined the same, and report:

The claimant is the widow of Erastus W. Babson, late Company A, Twelfth Regiment Rhode Island Volunteers, for whose relief a bill granting a pension passed the Senate during the first session of the Forty-eighth Congress. Before the bill was finally acted on the claimant died. The preponderance of evidence is that he died from the disease contracted in the service.

Your committee therefore recommend the passage of the accompanying bill.

The report made from this committee in favor of the bill granting a pension to the husband, was as follows:

[Senate Report No. 862, Forty-eighth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 772) granting a pension to Erastus W. Babson, have considered the same, and report:

The claimant, Erastus W. Babson, enlisted in Company A, Twelfth Regiment, Rhode Island Volunteers, September 24, 1862, and served until discharged, July 29, 1863. He applied for a pension, alleging that at or near Liverpool Point, Maryland, about December 7, 1862, he was ruptured in left side, while on a long march through the mud from Camp Casey, near Fairfax Seminary, to Fredericksburg. He was armorer, with the wagons containing ammunition and Army stores, and incurred the disability in helping to lift the Army wagons out of the mud.

The claim was rejected by the Pension Office because the records of the War Department fail to show the existence of hernia in the service, and the parol evidence was deemed insufficient to establish origin in line of duty.

The claimant on oath alleges that he was a sound man when he enlisted, and this is corroborated by Dr. Ossian Sumner, who knew him for five years prior to enlistment, had prescribed for him and knows he had no rupture; also by two acquaintances who had worked with him and one of whom had been in bathing with him; also by the captain of his company, and two comrades who had opportunities of knowing the facts before and after his enlistment.

The claimant swears that he incurred a rupture as above stated; that he was treated by Surgeons Carpenter and King, but was not in a hospital, and that he got along as best he could till a year after his discharge, when his hernia grew worse, and he then consulted physicians and has since been treated and worn a truss.

Surgeon Carpenter is dead. Surgeon King makes affidavit that he remembers treating Babson for some injury in his tent about February, 1863, but has no record of and cannot remember what it was. That is the extent of the medical evidence to origin in line of duty.

Corporal Tillinghast, of claimant's company, tented with him, and remembers that about December 7, 1862, after a long march through the mud, claimant showed affiant a rupture in left side of abdomen incurred on said march. Tillinghast was not with Babson on the march, but knows he must have incurred the rupture at that time. Comrade Thurber distinctly remembers that one night about December 7 or 9, before reaching Fredericksburg, claimant, who was tenting with him, complained for the first time of a strain, and that he felt a "giving way" in the lower part of the belly, and with his hands on that part said he was "busted up." Comrade Richards swears that in the latter part of December, 1862, after the battle of Fredericksburg, claimant told him that he had a rupture in the left side incurred on the march just before that battle, and showed a swelling of unnatural appearance on the left lower side of the belly. Comrade Leach was detailed to assist Babson as armorer about the last of December, 1862, and was then shown the rupture and told it was incurred on the hard, muddy march just before the battle of Fredericksburg, which he believes, as he knew claimant since and before his enlistment.

Two physicians testify to treating the claimant since March, 1880, for hernia, left side, which disables him from manual labor in a large degree. The examining board rated his disability in 1881 at one-half.

The Pension Office, not satisfied with the proof submitted, detailed a special examiner in April, 1883, to proceed to the home of the claimant and examine fully into the case in order to determine its merits. A large amount of testimony was taken and the examiner concluded his report by saying:

"If Mr. Tillinghast, whose reputation for truth is well vouched for, on cross-examination sustains all that he has said in his affidavit, I shall be of opinion that the case should be admitted."

Mr. Tillinghast, living at a distance, was cross-examined by another agent very critically and admitted that he did not see the breach until about the time they were discharged, but did see it then. Otherwise his former evidence was not materially impeached, and his reputation for truth is admitted to be good.

Since the rejection by the Pension Office, the affidavit of Colonel Browne, of claimant's regiment, was filed, in which he states as follows:

"I remember that soon after our arrival at Falmouth, opposite Fredericksburg, Va., about December 9th, 1862, claimant came to me and complained that he had ruptured himself on the march from Washington there, and I referred him to Surgeon Carpenter. Babson, being so faithful and useful a man, I inquired of Surgeon Carpenter (who is now dead) about Babson's complaint, and the surgeon told me that Babson had ruptured himself and that I must favor him, which I did after that. *I remember these facts distinctly* because I was troubled lest I should lose Babson's services in taking care of the arms of the regiment. * * * I feel if any one is entitled to a pension on account of faithful and conscientious services and disabilities incurred in the Army, Babson ought to have one."

Your committee are of opinion that the evidence satisfactorily shows that the claimant contracted the disability, which still continues, in the service and in line of duty, and therefore report back the bill with the recommendation that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 642.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1625.]

The committee have examined into the merits of this case, and find the facts to be as follows:

Andrew A. Humphreys was graduated at the United States Military Academy and appointed brevet second lieutenant, Second Artillery, July 1, 1831; promoted second lieutenant July 1, 1831, and served with his regiment in South Carolina and Florida until September, 1835, when he was detailed on surveying duty until January, 1836, and afterwards took part with his regiment in the Florida war until September 30, 1836, when he resigned, having been promoted to first lieutenant August 16, 1836.

He re-entered the service as first lieutenant, Topographical Engineers, February 13, 1839, and was on duty in connection with the improvement of Chicago Harbor and the survey of the Oswego Harbor until October, 1839, when he was placed on duty in the Topographical Bureau, in this city, where he remained until March, 1843, with the exception that from September, 1841, until April, 1842, he again participated in the Florida war. From March, 1843, until December, 1851, he was on duty as assistant engineer in charge of works in New Jersey and on the Delaware River, and again in the Topographical Bureau and surveying the delta of the Mississippi. He was promoted captain May 31, 1848, and in 1853 was sent on special duty to Europe to examine means for the protection of delta rivers from inundation, and on duty in this city until 1861 in charge of the examination of the delta of the Mississippi, and also of explorations and surveys of the Pacific Railroad. He was a member of the board to revise the "programme of instruction at the United States Military Academy," and of the commission "to examine into the organization, system of discipline, and course of instruction at the United States Military Academy," in 1860. He was promoted major August 6, 1861.

His service in the field during the late war commenced as chief topographical engineer on the staff of the commanding general Army of the Potomac. On March 5, 1862, he was appointed colonel and aide-de-camp, and in the following month brigadier-general of volunteers. He commanded the Third Division, Fifth Army Corps, and afterwards the Second Division of the Third Corps, until July 10, 1863, when he became chief of staff to the commanding general Army of the Potomac. He was promoted major-general of volunteers July 8, 1863, and lieutenant-colonel of engineers March 3, 1863; and from November 25, 1864, to June, 1865, he commanded the Second Army Corps. He commanded the District of Pennsylvania from August 5 to December, 1865, when he was placed in charge of levees on the Mississippi River. On August 8, 1866, he was appointed brigadier-general and Chief of Engineers, and retired, at his own request, after over forty years' active service, on June 30, 1879.

General Humphreys received the brevets of colonel, brigadier-general, and major-general, United States Army, for gallant and meritorious services at the battles of Fredericksburg, Gettysburg, and Sailor's Creek.

In the discharge of his military duties General Humphreys displayed great zeal, intelligence, and conspicuous gallantry. Those who served under him had the highest confidence in his capacity to command, and the greatest admiration of his soldierly qualities.

In view of the foregoing statement of facts your committee recommend the passage of the bill granting pension to Rebecca Hollingsworth Humphreys.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 643.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany bill S. 1592.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo., respectfully report:

(1) Strike out in the sixth line, first section of the bill, the words "seven hundred and fifty" and insert the words "five hundred and seventy-five."

(2) The original limit of cost is reported by the Supervising Architect to be totally inadequate to the construction of a suitable fire-proof building that will afford the proper and requisite accommodation for the Government business and officers. And it should be so extended as to permit the proper enlargement of the present plans as approved.

These plans and estimates are for a building as large as can be constructed within the authorized limit—*not fire-proof.* Yet they are so prepared that with the proposed increase of limit of cost additional wings may be added and fire-proof construction substituted.

The floor space necessary to the efficient conduct of business of the several departments of the Government service to be provided—the postal, customs, internal revenue, courts, &c.—is estimated by the officers in charge at 33,350 feet. Space provided under present limit, 10,816 feet, and by extended limit, 24,120 feet. This, the Supervising Architect believes, will be ample, and the Secretary of the Treasury, by him, urgently recommends an increase of the original limit by the sum of $275,000.

(3) The Government now pays rent here as follows: For post-office, $3,426; customs, $600; internal revenue, $1,000; courts, $3,000; Interior Department, $600; War Department, $1,050.

Net revenue of post-office for last fiscal year was $80,025, customs receipts, $35,713, and internal-revenue collections, $195,195.

The committee respectfully recommend the passage of the bill as amended.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 644.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany bill S. 2058.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2058) to complete the public building at Harrisonburg, Va., respectfully report:

That the public building now in course of construction at Harrisonburg, Va., upon plans made to conform to the now obviously insufficient appropriation, will be seriously inadequate to the purposes such building was intended to serve.

By the present plan the building will only afford a court-room 37.8 by 25 feet. Such will be seen at a glance is utterly insufficient for the accommodation of the court, the bar, witnesses, and large attendance incident to the important business transacted in this court.

The clerk's office provided is only 12 by 13 feet. Part of this space is necessarily occupied by a fire-proof vault, leaving no adequate room for proper storing and filing of extensive court records, embracing the files of the former district court, and the convenient conduct of the fast-increasing business of the office.

The State buildings, for like purposes, are larger and more commodious.

The interest of the Government and of practical economy will be subserved by the passage of the bill, which the committee respectfully recommend.

ONGRESS, } SENATE. { REPORT
ession. } { No. 645.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

HONE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany bill S. 1611.]

nmittee on Public Buildings and Grounds, to whom was referred ll (S. 1611) for the erection of a public building at Fort Dodge, respectfully present the following report:

roposed public building here is for the accommodation of the States circuit and district courts, the postal and internal-reve- vice, and for other Government offices.

Dodge has a population of 5,000—the court center of seventeen d populous counties, embracing nearly one-fifth of the territo- of the State, and is one of the six places in Iowa at which State courts are held.

growing and important town, and the seat of extensive enter- n stuccoes, &c. Three railroads pass through it, and a fourth, der construction, is nearly completed.

Government pays rent for post-office $225, and the net revenue same for the last fiscal year was $5,590, equal, the two sums, to per cent. on the proposed outlay.

ommittee respectfully recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 646.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany bill S. 1550.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1550) to provide an addition to the public building at Jackson, Miss., respectfully report:

Strike out in the 11th line of the bill the word "twenty-five" and insert the word "six."

The appropriation proposed in the bill as amended is for the construction of a suitable fire-proof addition to the public building at Jackson, Miss., for the preservation of the Government records there, and this is recommended by the Secretary of the Treasury.

The Government is now paying a rent of $240 for insufficient accommodations.

It is in the interest of the public service that the proposed addition be made, and the committee respectfully recommend the passage of the bill as amended.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 647.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany bill S. 1457.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1457) to change the limit of appropriation for a public building at Marquette, Mich., respectfully report:

I. Strike out in the sixth line, first section of the bill, the word "eighty," and insert the word "twenty-five."

II. The present limit of cost fixed for this building is inadequate to provide the needed accommodations for the efficient transaction of the Government business here. The several departments of the public service to be provided for by the building and proposed enlargement are: the postal, customs, internal-revenue, and signal service, court, land, and marine-hospital offices. The estimate made by the officers there is for 18,000 feet of floor space. This the Supervising Architect considers essential and approves, and, by him, the Secretary of the Treasury recommends the increase of the original limit by the sum of $85,000.

The committee respectfully recommend the passage of the bill as amended.

NOTE.

The Government now pays rent here as follows: For post-office, $520; for customs service, $350; and for courts, $500; land office, $125; net revenue of the post-office for the last fiscal year, $5,143.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 648.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany bill S. 430.]

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 430) to change the limit of appropriation for the public building at Terre Haute, Ind., respectfully report:

(1) Strike out in the sixth line, first section of the bill, the words "two hundred" and insert the words "one hundred and seventy-eight."

(2) The erection of a public building at Terre Haute was authorized by an act approved July 7, 1882. The sum of $75,000 was appropriated therefor, and the limit of cost fixed at $150,000.

(3) The progress of the work discloses that the amount is insufficient for the construction of a building of the character necessary to the proper transaction and accommodation of the Government business there. The Secretary of the Treasury, by the Supervising Architect and officers in charge of the work, recommends an increase of the original limit, by the sum of $28,000, in order to provide iron construction for the roof-frame, and to permit the use of a better finish in the interior of the building.

The proposed increase will complete the building, and the committee respectfully recommend the passage of the bill accordingly amended.

NOTE.

The Government now pays rents at Terre Haute: For post office, $1,469; for internal-revenue service, $600; net revenue of post-office for last fiscal year, $13,295; internal-revenue collections, $1,110,762.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 649.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

[To accompany bill S. 2191.]

The Committee on Public Buildings and Grounds introduce and recommend the passage of the accompanying bill.

The Secretary of the Treasury, by the Supervising Architect, recommends this appropriation as of immediate necessity to save the building from further deterioration, and for alterations needed to afford enlarged accommodation required for the Government business there.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 650.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 1717.]

The Committee on Military Affairs, to whom was referred the bill (S. 1717) for the relief of Robert H. Montgomery, a captain in the Fifth Cavalry, United States Army, have had the same under consideration and submit the following observations thereon, with a conclusion favorable to the passage of the bill:

The bill (S. 1717) contains two relief propositions:

The applicant asks, first, to be relieved from any obligation to pay a judgment rendered against him by the Court of Claims for $1,651.37 under circumstances which will be stated. He also asks that the Secretary of War be directed to so correct his military record as to show that he has served in the Regular Army continuously from August 6, 1860, to the present time, and for longevity pay and other allowances upon such proposed corrected record.

Concisely stated the facts presented to your committee are as follows:

Capt. Robert H. Montgomery entered the mounted military service of the United States in August, 1860, and joined the Fifth Cavalry in Texas, remaining there until the State fell into the hands of the Confederates, serving as a non commissioned officer. He took part in various battles and severe skirmishes in Virginia during the late war, being on the Peninsula and in the Virginia and Maryland campaigns, including the battles of Hanover Court House, South Mountain, Antietam, Gettysburg, Fredericksburg, Brandy Station, and an active participant in at least a dozen other conflicts in Virginia. He was discharged from enlistment December 17, 1862, and appointed a second lieutenant, in command of a company, from December, 1862, to October, 1863. For gallant and meritorious service at Beverly Ford he was brevetted a first lieutenant from June 9, 1863, and for like services at Brandy Station he was made brevet captain, to date from August 1, 1863, and for gallant and meritorious services at Gettysburg he was recommended for brevet major in 1868.

Since the late war he has been active in Indian hostilities. He has been twice nominated to the Senate to be brevet major for gallant conduct in the West, and for a brevet lieutenant-colonel for distinguished conduct in 1874.

The military service of the applicant for relief embraces a period of a quarter of a century, and during the whole of that time, save when he was a prisoner of war, have been marked by conspicuous gallantry in the field and entitle his prayer to the liberal disposition of the Sen-

ate. His record is defective at the War Department through no fault of his own. While acting under orders and returning from a reconnaissance to ascertain the fate of a patrol that had been sent out supposed to have been fired upon, Captain Montgomery was ambushed and captured at Elk Run, Va., October 29, 1863, and was held by the enemy a prisoner of war until his exchange, March 1, 1865. He rejoined the Fifth Cavalry April 29, 1865, having been promoted to a first lieutenancy April 25, 1865, and to a captaincy to date from January 3, 1865. At the time of his capture he was beyond the videttes. It was hastily concluded that he was acting in disobedience of army orders, and his name was dropped from the rolls and dismissal from the service followed November 20, 1863.

It is now conceded that at the time of his capture he was obeying the order of his superior, First Lieutenant Jones, who had directed him to proceed far enough to ascertain the fate of the patrol sent out a short time before.

The dismissal of Captain Montgomery was based upon a mere conjectural statement of Adjutant Hastings to Captain Leib. The latter officer discovered the error, and requested of the War Department a revocation of the order of dismissal. The erroneous conclusion reached was corrected by a military board, and on the 16th of February, 1865, the President revoked the order of dismissal and reinstated Montgomery.

On the 18th of August, 1865, the War Department decided that Montgomery was entitled to pay during the time he was a prisoner of war, *i. e.*, from October 29, 1863, to March 1, 1865, and he drew pay ($1,651.37) for that time.

In 1882 Captain Montgomery presented his claim for longevity pay, basing his claim on the decision made by the United States in United States *v.* Tyler (105 U. S. Rep., 244), but the accounting officers refused payment, claiming that Captain Montgomery was not an officer of the Army, and that the President's order of February 16, 1865, revoking his order of dismissal and reinstating him, was illegal and void.

The matter was taken to the Court of Claims, which sustained the accounting officers, upon the theory that the President exceeded his power.

When so brave and gallant an officer asks for simple justice against a conceded wrong your committee will not stop to admit nor to controvert the legal position assumed by the Court of Claims. It is enough, in the judgment of your committee, to know that power exists in Congress to right a wrong in favor of an officer who has rendered long, faithful, and meritorious service, who was erroneously dismissed, and who has too long been denied what has been accorded to others no more worthy.

Your committee do not consider it necessary to attack the soundness of the legal theory asserted by the Court of Claims. A judicial tribunal has simply denied that the Executive had the power to revoke and reinstate; but there is not a whisper against the merit nor justice of this bill, and in favor of an officer with the record of Captain Montgomery your committee do not hesitate to recommend the interposition of the power of the legislative branch in his favor. The legal theory of the Court of Claims was that Captain Montgomery was *not in service* nor an officer of the Army, either *de jure* or *de facto*, during the period of his captivity, and it rendered judgment against him for $1,651.37, being for the amount paid him during the time he was a prisoner of war, and the court for like reason denied him longevity pay for that time. Captain Montgomery was captured as an officer while in line of duty, was

held a prisoner of war as an officer, and was exchanged as such. He was dismissed without knowledge and without a hearing. He re-entered the military service as such officer on being exchanged, and has served as such for twenty years. To deny the prayer of the bill would be to inflict injustice. Ample reparation cannot be too quickly granted to a soldier who, while suffering the hardships and privations of a captive in a Southern military prison during the late war, is dismissed without knowledge or cause, and for that reason has been denied his rights.

Your committee are constrained to recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 651.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. CHACE, from the Committee on Patents, submitted the following

REPORT:

[To accompany bill S. 1803.]

The Committee on Patents, to whom was referred the bill (S. 1803) for the relief of William H. Akins and Jacob D. Felthousen, their heirs and assigns, have had the same under consideration, and beg leave to report:

The same matter now before the committee was passed upon by the Senate Committee on Patents in the Forty-fifth Congress, and a report made by Senator Wadleigh, chairman of the committee at that time, which report is as follows:

The bill provides that the letters patent granted to William H. Akins and Jacob D. Felthousen, dated August 5, 1851, surrendered and reissued January 20, 1863, surrendered and reissued again April 11, 1865, and extended July 29, 1865, for seven years from that date, said reissues being numbered respectively 1388 and 1930, shall be renewed, revived, reissued, and extended for the term of seven years, in the name of said Akins and Felthousen, their heirs and assigns, and that the said patent so renewed, &c., shall have the same effect in law as if originally granted for a term extending to the end of the term granted by this bill, which is seven years after said bill becomes a law. The bill also exempts from liability any person who has made, vended, or used the improvements specified in said patents prior to the said bill becoming a law.

The memorial of the applicants alleges that they procured the patents described in this bill, and that the improvements therein specified were their invention, and that a company was formed, consisting of themselves, one Drake, and others, for constructing and selling sewing-machines with said improvements; that said Drake, who was authorized to sell territory for said company, fraudulently sold the whole patent to one Cheesebro for $500, after having previously made county sales to the amount of several thousand dollars; that the applicants were compelled to bring a suit against said Drake and Cheesebro, which was pending about two years, during which time they were unable to make any sales or to carry on their business; that afterward the Singer Sewing-Machine Company and some other parties involved the company of the applicants in litigation, which, for about a year longer, compelled a cessation of their work; that about October 3, 1854, Isaac M. Singer, whose patent was subsequent to theirs, obtained a reissue, claiming the material points in the model and specifications of the applicants, which reissue was granted without notice to them; that soon after the said reissue to Singer the owners of the Akins and Felthousen patent were again involved in litigation, and that one James G. Wilson, who was a defendant in some of said litigation, and who had the original patent papers of Akins and Felthousen in his possession, surrendered that patent and claimed a reissue, claiming some ten or more claims contained in the original specifications and models of Akins and Felthousen, then in the Patent Office.

The Patent Office decided that, as some of the claims were not the reissue of Singer they could not be allowed, and from that decision an appeal was taken to the district court of the District of Columbia, which gave a decision, through Judge Dunlop, the chief justice, to the effect that Akins and Felthousen had proven priority of invention, and were entitled to the reissue of the amended claims; that the Commissioner of Patents then declared another interference between the Akins and Felthousen patent and the patent of A. B. Wilson, the proceedings in which continued

nearly three years, and were concluded by a decision of Judge Dunlop, rendered in December, 1863, to the effect that the last interference was illegal, and that the reissued patent, dated January 20, 1863, should be issued and confirmed; that near December, 1863, said Wilson and one Edward Larned sold the reissued patent of Akins and Felthousen, and three-quarters of the right of extension thereof, to the Sewing Machine Combination Company without the knowledge or consent of the applicants, and that said sale was a collusive one, made to defraud the applicants; that about the time when the law required an application for the extension of said patent to be filed, to wit, about the 1st of May, 1865, the applicants went to New York for the purpose of making the necessary papers, and were then compelled by poverty and their entire inability to contend against the powerful combination company to convey their patent to said company for a small and wholly inadequate consideration, trusting, as they say, that Congress would do them justice.

Your committee are satisfied by the evidence that the statements contained in the memorial of the applicants are substantially true, and that the applicants have been compelled by their poverty to part with their rights in said invention without obtaining adequate remuneration; but, in view of the fact that their assignees have collected from the public an enormous amount on account of said invention, and in view, also, of the danger that the extension provided for by this bill would inure to the benefit of the powerful combination which has oppressed the applicants, your committee do not recommend the passage of the bill, but report back the same, without recommendation, for the action of the Senate.

No new facts appearing in the hearing before the committee at the present session, the committee follow the action of the former committee, and report back the bill without recommendation.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 652.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2173.]

The Committee on Pensions, to whom was referred the bill (S. 2173) granting a pension to Benjamin Obekiah, having examined the same, do report as follows:

The committee find, from an examination of the papers in this case, that the claimant, Benjamin Obekiah, late a corporal in Company K, Twenty-second United States Colored Infantry, received a gunshot wound in the head, near Petersburg, Va., on June 15, 1864, from which injury his eyesight was seriously affected, and he has been a continuous sufferer therefrom ever since, the dangerous effects of the wound increasing from year to year, until now he is all but totally blind, and has to be led about, daily, by another person. He is wholly unable to do manual labor, is aged and very needy.

Your committee are of the opinion that this is a very deserving case, and recommend the passage of the bill.

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CONGRESS, } SENATE. { REPORT
Session. } { No. 653.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

EWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2067.]

Committee on Pensions, to whom was referred the bill (S. 2067) for ease of pension to Zebulon S. Tompkins, having examined the same, ort as follows:

claimant, Zebulon S. Tompkins, was a private in Company E, New Jersey Volunteers, and is now a pensioner at the rate of $4 onth for a wound in his right hand.

papers in the case show that the claimant is seventy-two years , and is suffering from hernia, which originated while he was de- in the Quartermaster's Department in the Army, and for which s treated in 1863, while in the service.

committee are of the opinion that this is an exceedingly deserv- ase, as the soldier is now unable to support himself, and therefore mend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 654.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3990.]

The Committee on Pensions, to whom was referred the bill (H. R. 3990) to restore to the pension-roll the name of Sarah Jane Prater, have examined the same, and report as follows:

The papers in this case show that claimant's husband, William W. Prater, entered the service as a sergeant in Company I, Fourteenth Kentucky Volunteers, on November 10, 1861, was discharged as disabled on April 18, 1863, and shortly thereafter died. The widow was granted a pension in May, 1868, which, upon the report of a special examiner alleging disease prior to enlistment, was discontinued in September, 1878, on the presumption that the soldier's death did not occur from disabilities acquired in the service.

The following statements are taken from the report of the House Committee on Invalid Pensions:

The proof by affidavits of his family physicians shows that the soldier was afflicted with rheumatism and had an attack of remittent fever "*several years before his enlistment*," but that he had entirely recovered therefrom before his enlistment, and that he was in very bad health when he returned from the Army with rheumatism, and continued to grow worse until he died. His long and faithful service in the Army and his stout and robust condition at enlistment and his severe affliction when he returned from the service strongly corroborate the otherwise abundant proof that said soldier contracted the disease from which he died while in the service and in the line of duty.

The certificate of the examining regimental surgeon on which his discharge was granted shows that his said disease was contracted after his enlistment, and had only existed for about twelve months prior to discharge.

The special examiners on whose report the name of the widow was stricken from pension-roll declined to examine the captain of said soldier's company, although visiting the neighborhood in which he resided, saying that he was not reliable, when, in fact, he stands highly indorsed in the record for truth and veracity, and is highly indorsed by many prominent men in his neighborhood, and no reflection is cast on his character anywhere in the record, save by the special examiner. He also declined to examine or interview claimant, although visiting the neighborhood of her residence.

The examination was private and *ex parte*.

The report on which the special examination was based was made by one McDowell, who in his letter of information makes a request for employment and authority to examine the case, evidently hoping to make himself some money at the expense of a meritorious widow, and for the further purpose of appearing loyal to the interests of the Department, when he was at the time engaged in defrauding both the United States Treasury and claimants, as the records of the Pension Office show.

From all the facts in the record, your committee are of opinion that the special examiner went into the investigation with the full intention to bring about the discontinuance of the pension, and fell into the hands of the enemies of the pensioner, who succeeded in aiding him in the accomplishment of that object.

Your committee strongly recommend the passage of the bill, with the following amendment: Add the words, "pension to date from the 9th day of September, 1878."

This committee accepts the conclusions reached in the foregoing statements, and concur in the recommendation that the bill pass with the amendment added thereto.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 655.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 844.]

The Committee on Pensions, to whom was referred the bill (H. R. 844) granting a pension to Daniel T. Ferguson, having examined the same, find that their conclusions in this case are identical with those reached by the House Committee on Invalid Pensions, and therefore adopt and present as their own the report of said House committee as follows:

Daniel T. Ferguson enlisted as private in Company K, Fifth Kentucky Cavalry, on January 1, 1862, and honorably discharged May 3, 1865; filed application for pension on March 10, 1873, which was rejected September 1, 1884, on the ground that there is no record of alleged dropsy and disease of lungs, and claimant's declared inability to furnish evidence of an officer as to origin or regimental surgeon as to treatment in the service or medical testimony six months subsequent to discharge. He bases his claim on dropsy and lung disease resulting from measles contracted and hardship and exposure suffered while in service and in line of duty on and about March, 1864.

Regimental hospital records are not on file in War Department. Records of General Hospital No. 1 at Nashville, Tenn., show him in same at time stated suffering with measles. He proves by a number of reputable comrades that he contracted measles while in service and line of duty at time stated, and that said disease resulted in disease of lungs, from which he has never recovered. He also proves by his family physician that he was sound and free from disease when he entered said service, and that he has suffered from dropsy ever since 1865 as a result of his service.

Your committee are of opinion that said soldier contracted dropsy and disease of lungs while in the service of the United States and in the line of duty, from which he has never recovered. They therefore recommend the passage of the bill.

Your committee likewise recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 656.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2254.]

The Committee on Pensions, to whom was referred the bill (H. R. 2254) for the relief of Jane M. Langley, having examined the same, find that the report of the Committee on Invalid Pensions of the House of Representatives contains all the material facts and evidence in this case, and this committee therefore adopt the same as their report, which is as follows:

The claimant, Jane M. Langley, is the widow of Loudon S. Langley, late sergeant-major Thirty-third United States Colored Troops. Her husband, prior to his death, had made application for a pension, alleging "sunstroke and injury to back" while in the service of the United States and in the line of duty. Said claim was rejected on the ground that no proof of origin of injury to back or of any disability after discharge from the sunstroke of record. After the death of soldier, the claimant, his widow, made application for a pension, which was rejected on the ground that soldier's death was not caused by the sunstroke of record. All the evidence shows that claimant was a sound and healthy man at the time of his enlistment in the Fifty-fourth Massachusetts Regiment of Colored Volunteers, and also at the time he was transferred to the Thirty-third United States Colored Troops. The official record shows that the husband of claimant was treated at the Government hospital at Charleston, S. C., November 17, 1865, for debility from miasmatic disease.

Lieut. Col. C. T. Trowbridge, who commanded the Thirty-third United States Colored Troops at the time claimant's husband received his disability, certifies—

"That L. S. Langley, then belonging to Company K, Thirty-third United States Colored Troops, was, during an action on James Island, South Carolina, on the 2d day of July, 1864, placed in charge of an ambulance corps for the purpose of removing our wounded from the field, and that on that day he was disabled by overexertion while in the line of his duty, and that in consequence he was afterwards unable to properly discharge the duties pertaining to active service, and would have been discharged for disability but for the necessity of his clerical services, the latter not being inconsistent with the degree of his disability."

Hon. Robert Smalls, a member of this Congress, states that he knew claimant's husband for a number of years prior to his death; in fact, he became acquainted with him shortly after his discharge from the Army, and that he was a continual sufferer from pain in the back, said to have been incurred while in the service and in the line of duty. The Pension Office based its rejection of widow's claim on the ground that soldier is supposed to have died from what is known as "country fever."

Your committee are of the opinion that as the records of the office show that claimant's husband was treated in the general hospital for malarial disease, and the lieutenant-colonel commanding the regiment also shows that her said husband, while in the line of duty on the field during an engagement, contracted a disability from sunstroke, these causes were of such a nature as to reduce his entire physical system to such a condition that he was not able to resist the disease of which he is said to have died. This soldier, besides leaving a widow, left several small children, who are poor and in quite destitute circumstances.

The committee therefore recommend the passage of the bill.

Your committee likewise adopt the foregoing recommendation that the said bill do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 657.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 846.]

The Committee on Pensions, to whom was referred the bill (H. R. 846) granting a pension to Samuel V. Holland, having examined the same, do hereby adopt as their report the following extracts from that made in this case by the House Committee on Invalid Pensions:

Samuel V. Holland enlisted as a private in Company C, Fifty-second Regiment Kentucky Volunteers, August 23, 1863, and was discharged therefrom January 17, 1865. He applied for pension January 5, 1880, based on disease of lungs resulting from cold contracted while in said service and in the line of duty, and while he was a prisoner of war.

His claim was rejected on February 8, 1884, on the ground of no record and the claimant's declared inability to furnish medical testimony showing treatment during service or prior to 1867.

Claimant testifies that he was sound and able-bodied and free from disease when he enlisted, and that while he was in the service and in the line of duty at Franklin, Ky., and while he was a prisoner of war near Mount Sterling, Ky., he was subjected to great exposure and hardships; was forced by General John H. Morgan's command to travel a great distance on foot on "double-quick" time, and forced to wade streams of water, from which he contracted severe cold, which resulted in a severe cough and disease of the lungs, from which he has never recovered, and which has disabled him from earning a support by manual labor. He further testifies that Dr. Hawthorne, the only surgeon who treated him in the service, is dead, and that Dr. Farmville, the only physician who treated him from discharge to 1867, is also dead.

Fifteen witnesses testify in the case, nearly all of whom are certified in the "brief" to be of good character and credibility.

Your committee are of opinion that these witnesses, many of whom were his intimate acquaintances before the war, and seven of whom were his comrades in the service, and three of whom were taken prisoners with claimant, clearly and beyond the shadow of a reasonable doubt establish each and every material fact to which claimant testifies.

Your committee are of opinion that claimant is entitled to a pension. They therefore recommend the passage of the bill.

Your committee likewise agree in the recommendation that the bill do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 658.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2193.]

The Committee on Pensions, to whom was referred the bill (H. R. 2193) granting a pension to Amelia M. Green, having carefully examined the same, do report as follows:

Upon investigating the papers in this case and the evidence found therein, this committee are of the opinion that it is conclusive as to the merits of the claim.

This opinion is further strengthened by the report of the House Committee on Invalid Pensions, from which the following extracts are taken and incorporated in this report:

Amelia M. Green is the widow of Rev. John M. Green, late a chaplain in the Army of the United States. Claimant alleges that her husband contracted diarrhea while serving as chaplain in Nelson general hospital and convalescent camp, Camp Nelson, Kentucky; that this became chronic and resulted in a congestive chill, from the effects of which he died at Washington, December 28, 1877.

It seems that there is no record of Chaplain Green having suffered from diarrhea whilst in the service. This is accounted for by the fact that he was a doctor and treated himself, and it is also stated that he was of a reticent, uncomplaining disposition, not apt to speak of his own ailments, and few were for this reason cognizant of the state of his health.

The testimony of a fellow clerk in the Second Comptroller's Office is to the effect that he suffered a great deal from chronic diarrhea during the last few months of his office life, and lost much time by reason of it. Also, John D. Staley states that the chaplain was in his family and frequently said that he had contracted disease in the Army; and that in 1867-'68 he visited affiant's place several times a week and complained of having chronic diarrhea; prescribed for himself.

A. E. Chapline boarded in the chaplain's family, and states that he suffered constantly from diarrhea. The soldier finally died from a congestive chill, after a few days' illness.

The claim was rejected on the ground "that claimant cannot furnish the testimony of officers or surgeons, and on decision of acting medical referee that congestive chills cannot result from chronic diarrhea."

Your committee are fully satisfied that Chaplain Green contracted diarrhea in the Army, which became chronic and continued until his last illness. They are also of the opinion that the assertion of the medical referee that "a congestive chill cannot result from chronic diarrhea" is entirely too broad, and they dissent from it on the ground that the debility resulting from chronic diarrhea may be considered as a predisposing cause to any disease, and more especially to the one from which this claimant's husband died.

Believing, therefore, that this soldier's death can be directly traced to disease incurred in the Army whilst in the line of duty, they recommend striking out all after the word "States," in line 7, and that the bill, as amended, do pass.

Your committee recommend that the bill, as amended by the House, do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 659.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1138.]

The Committee on Pensions, to whom was referred the bill (H. R. 1138) to increase the pension of Mary E. Fillebrown, having examined the same, do report as follows:

The applicant is the widow of the late Commodore Thomas Scott Fillebrown, United States Navy, who died at the New York navy-yard September 27, 1884.

The committee present the following petition of the claimant, and make it a part of their report:

To the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of Mary E. Fillebrown respectfully represents—

(1) That she is the widow of Thomas Scott Fillebrown, late a commodore in the United States Navy, who departed this life on the 27th day of September, 1884, while in the line of his duty as an officer of the Navy, being at the time of his death in command of the New York navy-yard.

(2) That the said decedent took command of the said New York navy-yard on the 1st day of April, 1884, where he remained in charge up to the time of his death.

(3) That the said Thomas Scott Fillebrown entered the Navy of the United States on the 19th day of October, 1841; that out of the nearly forty-three years that he was in the Navy, he, the said Thomas Scott Fillebrown, saw about twenty-four years active sea service; that for about seventeen years he was on shore and special duty, being stationed at the Naval Observatory, Washington, D. C., hydrographic office, Norfolk navy-yard, and other special duties that your petitioner does not now recall; that the said Thomas Scott Fillebrown during the entire time that he was in the naval service of the United States was only on waiting orders about two years.

(4) That the said decedent served with distinction through the late civil war, at all times ready to obey his country's call, never hesitating in his duty and never wavering in his allegiance to the Government of the United States, which he always served to the best of his ability.

(5) That your petitioner's husband died leaving little or no property, and that she is in rather embarrassed circumstances, and that she has no means of supporting herself.

Your petitioner therefore prays that your honorable body will pass an act for her relief, granting to her as the widow of the late Thomas Scott Fillebrown a pension of $50 a month.

MARY E. FILLEBROWN.

The long and distinguished services of Commodore Fillebrown in the Navy entitle him, in the opinion of this committee, to some recognition at the hands of the Government. During his entire naval career, covering a quarter of a century given to active service, he was noted

for his unflinching integrity in the discharge of all his duties. I
he left but little if any property for his wife's support, who is an ir
and wholly without means to maintain herself.

The House Committee on Invalid Pensions in their report state

It has been customary in similar cases to allow special pensions, and the lo
efficient services of Commodore Fillebrown, and the necessity of this pension
support of his widow, make it right and just that the custom should be follo
this case.

Your committee concur in the foregoing opinion, and recommen
passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 660.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1228.]

The Committee on Pensions, to whom was referred the bill (H. R. 1228) granting a pension to Harry B. Harrington and Grace A. Harrington, having examined the same, unhesitatingly adopt the report of the House Committee on Invalid Pensions, and concur in the restrictions and amendments found therein. The following is the report:

That Harry B. and Grace A. Harrington are the orphan children of Lieutenant Harrington, who was with General Custer in the memorable battle on the Big Horn, June 25, 1876; that they are of the age of eleven and twelve years, respectively; that Grace Harrington, widow of Lieutenant Harrington, and mother of said children, is supposed to be dead, as her whereabouts are unknown, and diligent search and inquiry have been made to find her by her relations without success. Said children are without any means of support and are now living with their grand-parents. The mother at the time of her disappearance, February 9, 1885, was in receipt of a pension of $17 per month as a lieutenant's widow, which, under the circumstances, cannot be paid.

This bill proposes to pension said children at the rate of $15 each per month, and also to pay to them or their guardian the arrears of the mother's pension; from the latter proposition your committee dissent. But in consideration of the great probability of the mother's death—and it is only the want of proof of that fact that prevents granting these children a pension in a legal way—and the further fact your committee are in favor of a general increase of pensions of widows and dependent parents, we recommend that the bill be amended by adding to section 1, "to be paid to their legal guardian for their use and benefit until they are sixteen years of age," and to strike out section 2, and that the bill so amended do pass.

Your committee recommend that the bill, amended in the House in accordance with the foregoing report, do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 661.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

r. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1508.]

he Committee on Pensions, to whom was referred the bill (H. R. 1508) for the relief of Marcus A. Hamilton, having examined the same, do report as follows:

This committee present and adopt as their own the following report, ade upon the case by the House Committee on Invalid Pensions:

Marcus A. Hamilton, late of Company K, First Regiment New Jersey Cavalry Volnteers, filed his application for pension November 3, 1879, alleging disability from jury to left leg and hip received about December 15, 1864, at Petersburg, Virginia, y his horse falling upon him in jumping a ditch, for which he was treated in camp nd excused from duty by regimental surgeon. The testimony of claimant's neighors shows him to have been perfectly sound at the time of his enlistment and free om the disability claimed for. It is also proven by four of his comrades that he reeived the injury to left leg and hip while in the line of duty at the time and place nd in the manner alleged.

Several physicians who have treated the claimant since his return from the service estify that the fall of the horse compressed the sciatic nerve as well as the ligaments nd soft parts, and as to their having treated claimant for chronic sciatica and other esulting troubles from this injury by cupping, blistering, and internal treatment, nd that he suffers constantly from pains in his left leg and hip, and the disability is permanent and one which renders him unable to perform manual labor at least one-half his time. It is also shown that since discharge claimant has suffered continuously from his injuries and largely incapacitated for work.

The committee deem this a worthy case, and recommend the passage of the bill.

This committee add their recommendation that the bill do pass.

ONGRESS, } SENATE. { REPORT
Session. } { No. 662.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

WELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4287.]

mmittee on Pensions, to whom was referred the bill (H. R. 4287) ting a pension to Nancy J. Freels, widow, &c., having examined the , do report as follows:

committee find, upon investigating this case, that the facts and ce therein are set forth clearly and concisely in the report of the Committee on Invalid Pensions. They therefore present this and adopt the views therein expressed, and agree with said committee in recommending the passage of the bill.
following is the House report:

nt M. Freels enlisted as private in Company E, Third Regiment, Tennessee ers, February 12, 1862, and was discharged from said service December 26, d died August 3, 1877, and left surviving him, as his widow, Nancy J. Freels, d claim for pension March 31, 1880, and her claim was rejected June 18, 1884, the reason therefor being given.
ldier was discharged on a certificate of disability from surgeon of his regi- owing him to be "permanently incapable of performing duties of a soldier of carditis, resulting from chronic rheumatism."
ridence shows that the soldier was healthy and free from disease when he , and that he became disabled and broken down in health from exposure and s while in the service and in the line of duty, and while a prisoner of war, ich he never recovered.
shown by the official records to have suffered and received medical treatment soldier for heart disease, the result of rheumatism contracted while a prisoner and the evidence shows that he died of typhoid fever, which was the result enerally broken down and bad condition of health, and that he had been in d health from the date of discharge until the day of his death, receiving al- nstant medical treatment.
committee agree in recommending the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 663.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1543.]

The Committee on Pensions, to whom was referred the bill (H. R. 1543) granting a pension to Margaret Kearns, having examined the same, report as follows:

The petitioner in this case is the mother of James Kearns, late first sergeant of Company G, Ninety-fourth New York Volunteers, and who died from the effects of a gunshot wound received July 15, 1864. Her application for pension was made in May, 1868, but, as her husband was still living and she received partial support from him, such pension was not granted, although the evidence in the case shows that money was regularly sent by the son for the support of the parents.

Your committee, believing this to be a deserving case, recommend the passage of the bill.

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TH CONGRESS, 1st Session. } SENATE. { REPORT No. 664.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. GRAY, from the Committee on Patents, submitted the following

REPORT:

[To accompany bill S. 1624.]

he Committee on Patents, to whom was referred the bill (S. 999) entitled "A bill to provide for the extension of letters patent for an improvement in insulating submarine cables," respectfully report as follows:

It appears from the memorial of the petitioners, Baker A. Jamison nd Tallmadge A. Lambert, administrators *de bonis non*, that the invenon covered by the patent in question was made by George B. Simpson, eceased, in November, 1847; that in April, 1849, he had duly filed his pplication for patent in the Patent Office; that he encountered objecons in the office, and his patent was not granted until May 21, 1867; nd that in the mean time the invention it covered had gone into extenve public use.

The claim of the patent is as follows:

The combination of gutta-percha and metallic wire in such form as to encase a wire wires, or other conductors of electricity, within the non-conducting substance guttatcha, making a submarine telegraph cable at once flexible and convenient, which y be suspended on poles in the air, submerged in water, or buried in the earth to y extent for atmospheric and submarine telegraph communication, and for other ctric, galvanic, and magnetic uses, as hereinbefore described.

So important a claim, for an invention which was already adopted d in general use by responsible parties, telegraph companies, &c., if lid under the patent, which was to run for seventeen years, must have orded a basis for securing large profits to the inventor, his assigns, representatives.

It appears, however, that in 1851, under section 7 of the patent act 1836, Simpson's application having then been rejected, he withdrew it the following letter:

the COMMISSIONER OF PATENTS:

SIR: I hereby withdraw my application for a patent for a mode of insulating teleaph wires now in your office, and request that $20 may be refunded to me in gold, reeable to an act of Congress in such cases made and provided.

GEORGE B. SIMPSON.

JANUARY 18, 1851.

Accordingly, on January 21, 1851, it appears, the $20 was remitted to m.

Nothing further appears to have been done in the Patent Office by m in the matter until December 24, 1858, when he filed another appliion for patent for his invention. In the mean time, during the period

of over seven years, from 1851 to 1858, while he had no claim for patent pending, as well as long before, it is conceded his invention was in extensive public use. Afterwards, in 1861, as the records in the Patent Office show, Judge Dunlop, of the supreme court, D. C., on appeal of Simpson's last application to him, held that the long public use of the invention with the inventor's knowledge, while no application for patent upon it was pending, worked its abandonment to the public. It appears, however, that in 1878 Judge Blatchford sustained the patent (Colgate, assignee, *vs.* W. U. Tel. Co., 15 Blatch.); but it is clear from the decision itself in that case, and is also otherwise shown, that Simpson's letter of withdrawal, above quoted, was not known to the court. The court only considered another letter from Simpson, dated January 13, 1851, and held it was not a withdrawal of his application, but it was a very different letter from the one above quoted. It only asked for the return of the fee of $20 and was not a withdrawal, and the fee was not thereby obtained. It was only paid back after and upon filing the withdrawal above quoted, dated January 18, 1851. There can scarcely be a doubt that had the actual withdrawal of the application by Simpson, and its discontinuance for over seven years while the invention it claimed was in notorious general public use, been shown to Judge Blatchford, he would not have sustained the patent. This inference is much strengthened by the fact that in 1884, after the decision of Judge Blatchford, the Attorney-General of the United States filed a bill to repeal the patent in the same circuit court, on the ground that it was unlawfully granted; but the patent expired before the case could come to a hearing. It would seem, therefore, that the patent was probably improvidently granted and was not valid, or, at least, was seriously clouded by the circumstances above stated, which must, in great measure, account for the fact that suits brought under it were compromised and did not result in such profits as could otherwise have been expected. Nevertheless, a settlement by agreement with the Western Union Telegraph Company after the decision of Judge Blatchford resulted in the prompt payment by that company to the owners of the patent of $100,000, and in other payments, altogether amounting to the gross sum of $140,000, as is conceded by the petitioner. That amount, even if offset by considerable expenses, as alleged, is not an inconsiderable remuneration to the assignees or representatives of the deceased inventor owning a patent under the circumstances above stated.

But beyond these considerations unfavorable to an extension of the patent now by act of Congress, it appears that the patent expired May 21, 1884; that the inventor and his wife have both been dead for many years; that they left no issue, and that there is no relative of either them, or other person, who would have any claim on them for support if they were now living.

The same bill now pending was before the Forty-eighth Congress and did not receive support from the Patent Committee of either House. We are clear, from public considerations, as well as from the particular facts stated, that the bill ought not to pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 665.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2192.]

The Committee on Pensions, to whom was referred the petition of Abby L. Burbank praying for an increase of her pension, have examined the same, and report:

The petitioner, Abby L. Burbank, is the widow of Charles H. Burbank, late a surgeon (ranking with lieutenant) in the United States Navy. He enlisted May 9, 1861, and died in the service January 30, 1885, at Portsmouth, N. H. The widow was granted a pension upon her application by the Department under the general law, at the rate of $25, commencing February 18, 1885. She now asks that this amount be increased for the reasons set forth in her petition, which is as follows:

To the Senate and House of Representatives:

On the 16th April, 1885, the Pension Bureau issued in my, Abby L. Burbank's, favor a pension certificate No. 3261, entitling me to a pension of $25 per month as the widow of Charles H. Burbank, medical inspector, United States Navy, who died on January 30, 1885, of heart disease, induced by malaria, contracted at different periods in the service.

I do not consider the pension granted me is sufficient, and I would ask for an increase, on the following grounds, viz:

Firstly, that the pension should have been commensurate with the rank which Dr. Burbank held when he first seriously contracted malaria, which was in 1871, while attached to the U. S. S. Michigan, on the Lakes, when he held the rank of surgeon, which rank entitles to $30 per month. Also at a later date he was exposed to malaria and was very sick while on the North Atlantic Squadron; and later still during his last cruise, while attached to the Brooklyn, on the South American coast, and on the west coast of Africa, when he was of the rank of medical inspector.

Dr. Burbank has suffered very much from this cause, especially through the latter part of his service, but through much distress and suffering held steadfastly to his duties; never more steadfastly or with greater effort than during his last cruise, which lasted more than three years, and from which he returned a broken-down man, and lived but three months after his return.

Secondly, I would ask for an increase of pension on the ground of his war record.

Dr. Burbank was on the Hartford under Admiral Farragut at the taking of New Orleans, and performed efficient service there; also at Pilot Town hospital, Southwest Pass, Mississippi River, in 1862, where, owing to all the other surgeons dying, he was left in sole charge, when his duties became so arduous, and his responsibility became so great, that his health for a time was greatly impaired. He was also on the blockade, and was in active service all through the war.

Finally, I would ask for a larger pension on the ground of insufficient support. I am left in delicate health, with five children, all of whom are minors but one, and

with means so limited that it is impossible to live upon it. In consideration of all these conditions, I would most earnestly appeal for a pension of $50 per month to enable me to provide for my family, which now I am unable to do.

ABBY L. BURBANK.

PORTSMOUTH, N. H., *December* 3, 1885.

Your committee having verified the accuracy of the above petition, adopt the statements of fact set forth therein, and report back the petition with an original bill increasing the pension of the widow of this brave officer to $40 per month, and recommend that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 666.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3463.]

The Committee on Pensions, to whom was referred the bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins, have examined the same, and report:

The evidence and attendant circumstances of this case are set forth in the following report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1058) made during the present session:

Mrs. Babb makes the following presentment of her case in petition addressed to Congress:

"The undersigned, Hannah B. Hutchins, a resident of Freeport, in the State of Maine, respectfully represents: That at the time of the breaking out of the civil war she had recently lost her husband and four children; that her name was then Hannah Babb; that in response to the advertisement of the Government for nurses she offered her services in the capacity of a nurse, and on the 1st day of June, 1862, received a dispatch to report immediately at Washington, and that she did so at once; that upon arriving there she signed enlistment papers as a nurse, and mustered into the United States service as a nurse; that she served in that capacity three years and three months in the hospitals in and about Washington, and received pay at the rate of $12 per month and one ration; that *she used the money received for pay largely for the purpose of procuring necessary delicacies for the sick and wounded soldiers;* that on the 1st day of January, 1865, while engaged in said service at the Harewood Hospital, in Washington, in passing from ward 12 to ward 10, she slipped on the outside steps and fractured her ribs and injured herself otherwise severely; that she was confined to her quarters for a month, and after partially recovering again commenced services as a nurse; that on the 31st day of July, 1865, she was discharged at that hospital; that she returned to Maine, and subsequently married Solomon S. Hutchins, who died in 1880, leaving her a widow with no means of support; that her injury aforesaid affected her so that she was unable to labor and was obliged to be a patient for some eight months in the Maine General Hospital, whereby she got partially relieved, but has never been able to perform any manual labor; that she is 76 years of age and entirely without means of support; that she believes she is justly entitled to aid from the nation precisely as if she had been a soldier and been incapacitated from labor by injury received in the line of duty, but that she is informed that there is no law of the nation under which she would be entitled to a pension, as the laws for those purposes do not include nurses. She therefore prays that she may be granted a pension."

In connection with this petition is the following certificate by Josiah H. Drummond, dated December 27, 1885:

"I hereby certify that I have known the above-named Mrs. Hutchins for nearly twenty years: that I have personal knowledge that the statements in the foregoing petition as to matters happening during that time are all true; also that she is very poor, and has had to depend upon charity for support, although, being an excellent nurse, she could support herself but for her disability. The State of Maine, upon a hearing of her case, granted her a pension for two years from January 1, 1885. She has no relations able to assist in her support, *and she must have aid from the public, and must go to the poor-house unless she has it in some other way.*"

The efficient and faithful character of Mrs. Babb's services in the hospitals ar attested by Mrs. H. A. B. Corts, M. Hoard, Elvina Bliss Sheldon, Harriet P. Dame and Caroline A. Burghardt, M. D., members of the Army Nurse Association, all c whom speak from personal knowledge of her services. Twenty-five members of th Soldiers' Aid Society and other citizens of Chelsea, Mass., testify to her fidelity as a Army nurse. They say:

"We knew her before the war as a worthy woman, and during the war some c us were in constant correspondence with her, forwarded her supplies from the above named [Soldiers' Aid Society] and from individuals. Her services and sacrifices seem to entitle her to recognition by the Government, and we earnestly commend her t the favor of Congress."

Dr. Albion Cobb, of Webb's Mills, Me., who was on duty at the Harewood Hospi tal, writes that she was one of the best nurses there; that he remembers of her sic in the nurses' quarters, but has forgotten the cause of it.

Dr. David Dana Spear, of Freeport, Me., certifies, under date January 14, 1886 that she has been his patient since 1880, treated for chronic diarrhea, and has know of her being treated for this and other troubles at the Maine General Hospital.

Dr. Charles O. Hunt, resident physician and superintendent of said hospital, certifies:

"Mrs. Hannah B. Hutchins has been under treatment at this hospital since April 23, 1883, for cystocele, for which she has been obliged to have a surgical operation performed. She claims that the trouble was originated by a fall received while in the employ of the Government as a nurse in one of the Army hospitals during the late war. I have no doubt that she has suffered much from this disease in the past, and that it has proved a real hindrance to her gaining a livelihood by her labor, and if there is any way by which such cases could be pensioned and her claims as above are substantiated, I think she richly deserves to be remembered by the Government she has served so well, now that age and infirmity render her unable to support herself."

James M. Bates, M. D., formerly surgeon of the Thirteenth Maine Regiment, makes a certificate, which Dr. Spear indorses:

"I have known Mrs. Hannah Babb, now Mrs. Hutchins, for several years past, and at one time attended her professionally for an extensive humor in her hands, wrists, and arms, which she supposed to be the result of blood poisoning, which she received while performing the duties of hospital nurse during the late civil war. She also complained, and does now, of pain and lameness in the region of the spine, between the shoulders, which she believes to be the result of slipping and falling on some door-steps at Harewood Hospital, while performing the duties of nurse. I know of no other cause for the disabilities named above, and consider Mrs. Hutchins a perfectly reliable woman, and any statement which she may make entitled to credit."

The evidence seems to disclose a meritorious case, which entitles Mrs. Hutchins to the same consideration accorded others of her class. The committee accordingly recommend the passage of the bill.

This bill passed the House at $12, having been reduced to that amount by the committee, mainly on the ground, as your committee are advised, that this lady was paid at the time for her services. The evidence before your committee shows that what little money she did receive was used for the purpose of purchasing necessary delicacies for the sick and wounded soldiers and food for herself; so that in no real sense did she receive compensation. She is now old, in poverty, and helpless, suffering by reason of disabilities incurred in her service. The evidence shows that $12 per month will not be enough to relieve her necessities, and there appears to be no valid reason why she should not receive the same amount which in several other cases has been granted to other nurses. Her appeal that her services and sufferings be thus recognized is strongly urged by the Army Nurses' Association.

In view of all these facts your committee report back the bill with a recommendation that it do pass, with the following amendment: Strike out the word "twelve" in line 6 and insert in lieu thereof the words "twenty-five."

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19TH CONGRESS, 1st Session. } SENATE. { REPORT No. 667.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1462.]

The Committee on Pensions, to whom was referred the bill (H. R. 1462) granting a pension to Addie L. Macomber, have examined the same, and report:

The claimant, Mrs. Addie L. Macomber, left her home in New England in May, 1862, and volunteered as a nurse in the Army hospitals. She was one of those noble women who performed so important a service in ministering to the sick and wounded during the war for the Union. The papers filed with the committee show long and almost continuous service, a faithful performance of duty which endeared her to those under her charge, and present physical infirmities and weaknesses of a serious character attributed to her labors in the hospitals.

In her own statement she says:

I entered Camden Street United States General Hospital, Baltimore, in the spring of 1862; remained there continuously till 1865, with the exception of three months' leave of absence for the benefit of my health. In lifting my sickest patients to administer food and medicine I injured myself severely, and the effect of that injury will follow me through life. I became a widow in 1861, and I have no property, real, personal, or mixed. I am unfitted to do heavy manual labor, and am unable to obtain a position in the Departments on account of the civil service law; am entirely dependent upon my own exertions for support.

The Surgeon-General, United States Army, certifies the period of Mrs. Macomber's service as from July 9, 1862, to April 14, 1864, and from August 28, 1864, to May 23, 1865, and there are several testimonials as to the character and efficiency of her services.

From John Neff, M.D., of Baltimore, Md., formerly assistant surgeon, United States Army:

This certifies that Mrs. Addie Macomber was a nurse in the wards of which I had charge in Camden Street United States Army General Hospital, Baltimore, during the years 1862–'63–'64, and that she was faithful and efficient in the discharge of the arduous duties of her position, doing much to alleviate the sufferings of our sick and wounded soldiers.

Thomas G. Haviland, of Georgetown, D. C., says:

This will certify that during the war of the rebellion (1861 to 1865) I was on duty in the Camden Street General Hospital, Baltimore, Md., as a hospital steward, United States Army, and am cognizant of the fact that Mrs. A. L. Macomber rendered faithful and efficient service therein as a nurse for more than two and one-half years.

P. H. Wheeler, of Washington, D. C., formerly of Company A, Sixteenth Massachusetts Volunteers:

During our late war, in the summer of 1862, I was a patient in the soldiers' hospital, Baltimore, Md. Mrs. Addie L. Macomber was in charge, as nurse, of our ward in said hospital, and I am pleased to certify that she was faithful, attentive, and always willing and ready to render assistance with that patience and kindness which endeared her to us all.

And most significant of the affectionate regard in which she was held for her good works by our sick and wounded soldiers was the following memorial, addressed to her and bearing the signatures of twenty-eight soldiers, representing thirteen States:

We, your patients in the Camden Hospital, take occasion, on the eve of your departure from among us, to express our regret in sustaining the loss of one whom we have learned to love as a friend and esteem as a faithful nurse—one who understands and is competent to provide for the wants of men in our situation. If in after years trouble shall gather around thy pathway and the course in life seem dark and cheerless, turn to this page of love's labor and here find the encouragement we desire to extend you; and whether you shall again come among us to make cheerful the sick couch or to bind the fractured limb, or shall choose to pass the remainder of your days amid the quiet of your native State and among the cherished friends of earlier times, carry with you the assurance that our kindest wishes go with you, and that you will retain a warm place among those of our remembered friends.

Caroline B. Winslow, M. D., of Washington, D. C., certifies:

I have known and treated Mrs. Addie L. Macomber for prolapsus recti and uteri, which she informed me, sixteen years ago, when first my patient, she contracted by lifting patients and overwork while acting as nurse in military hospital during the civil war.

Anson Parsons, M. D., of Springborough, Pa., writes as follows:

Mrs. Addie L. Macomber: I well remember you and your trials and hardships while in Camden Street Hospital, and the dangerous position you were in while caring for those gangrene cases and many other cases of sickness. I know you dressed those gangrene cases when Doctor Woodberry dare not enter the ward for fear of taking the disease. Mrs. Parsons and myself well remember that and many similar cases. Mrs. Dix complimented you very highly for the courage and skill you showed in caring for those gangrene cases. In our estimation, you are entitled to a full pension, if they are granted on merit.

E. G. Watrous, M. D., late assistant surgeon, United States Navy, writes as follows:

Mrs. Addie L. Macomber was a nurse in the United States Army General Hospital, Camden street, Baltimore, during my service there as assistant surgeon, and her reputation for efficiency and conscientiousness in the discharge of very arduous duties was inferior to that of none of the excellent and admirable women employed as her associates in that institution.

C. C. Speed, late of Company E, Eleventh Maine Volunteers, now superintendent of Citizens' Railway Company, Baltimore, Md., writes as follows:

Mrs. A. L. Macomber was a faithful nurse in Camden Street Hospital, Baltimore, Md., and was in the service a part of 1862, 1863, 1864, and 1865, and was always at her post of duty *night and day* to alleviate the wants and sufferings of the sick and wounded.

Albert S. Bostwick, of Company D, One hundred and fortieth New York Volunteers, writes from Rochester, N. Y., as folloows:

I am only too glad to say that from my own experience your faithfulness to your duties at the Camden street hospital are above and beyond all question. Nothing that you could do for a patient was ever left undone. Do you think I can ever forget your kindness to me? How you came every night at midnight to the little back room to attend to my wound after I had taken the gangrene from being in the room with Leonard, I think it was? My ward doctor deserted me, but you, my kind nurse, never neglected me, and never failed to attend to anything that I wished done, al-

though I have sometimes thought since that I might have asked some services that were not necessary, and yet if such was the case it was done just the same and just as willingly, and what you did for me I saw you doing day, after day as I grew convalescent, for others, always the same, everywhere doing your whole duty to the utmost. This it gives me pleasure to say for you.

Many more of these heartfelt testimonials might be quoted, but we do not think it necessary to show the character of the service rendered. We cannot, however, refrain from quoting one more:

Having obtained your address after many anxious inquiries, I take the first opportunity to express to you the heartfelt thanks of a soldier who, had it not been for your tender and unwearied care during a terrible sickness of typhoid fever, would have been sleeping the last long sleep. * * *

She has also filed the following affidavit, bearing upon the question of her compensation for services:

DISTRICT OF COLUMBIA, } ss:
City of Washington, }

Addie L. Macomber, being duly sworn according to law, doth depose and say: I signed the pay-roll of the Camden Street Hospital, Baltimore, for each month of service there during the years 1862, 1863, 1864, and 1865, but for the following reason the pay became no compensation for my services. I was obliged to and did use all the money thus received to purchase necessary food for myself, inasmuch and because the food furnished to nurses, convalescents, and under-employés by the commissary department was of so poor a quality as to be not only unpalatable, but not of the necessary nourishment to give any person the requisite strength to perform the duties of a nurse to the sick, requiring, as it did, more than under ordinary circumstances in the care of the sick. For the months during those years I was away from duty (I was myself sick from the labor performed as nurse and the exposure in the service, and during this time signed no rolls) my pay, so called, was stopped, and I was obliged to meet the expenses of sickness myself, although caused by my service. A "nurse's" pay was 40 cents per day and a ration. Now, if the money thus received was used to provide the ration it could not be called *pay*, hence I received *no compensation* for my services, except the consciousness of doing for our sick and wounded.

I paid my own fare to and from Baltimore.

The food supplied to patients was furnished from the special-diet kitchen, controlled by ladies of the sanitary commission, as prescribed and ordered by the surgeons in charge of wards daily, in the same manner and at the same time as were the medicines and stimulants.

Moreover, at different times after a battle I had several patients brought in who broke out with small-pox. I escaped with varioloid in a mild form, while two other female nurses came down with small-pox contracted from their patients.

The evidence before your committee shows that Mrs. Macomber is now in distress and very poor; that she is physically broken down, and her condition is such as to render the best medical care and treatment an absolute necessity, and this, too, as a direct result of her services to the country in its hour of need. She is much of the time confined to her bed, and unless she can get assistance soon will be dependent upon public charity. This ought not to be. It also appears that she practically received no compensation for her services, the character of which in the most horrible gangrene cases—which even the doctors refused to attend—evinced the noblest devotion to duty, as she was obliged to, and did, spend nearly all she received in procuring necessary food for herself and others.

Your committee therefore think this poor and suffering nurse should receive the same recognition as other nurses who have been placed on the pension-roll at $25, and report back the bill, with a recommendation that it do pass, with an amendment: Strike out the word "twelve," in the sixth line, and insert the words "twenty-five" in lieu thereof.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 668.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6504.]

The Committee on Pensions, to whom was referred the bill (H. R. 6504) granting a pension to Nathan Magoon, have examined the same, and report:

The evidence upon which the claim in this case is based is set forth in the appended report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1349), which we adopt, and recommend the passage of the bill.

Nathan Magoon served from December 11, 1861, to July 9, 1862, as a private in Company H, Seventh New Hampshire Regiment. On the latter date he was discharged on surgeon's certificate of disability, which states him to be suffering from "a contracted state of the muscles of the lower extremities from chronic rheumatism. The disease originated previous to enlistment." His claim was rejected upon the ground of this adverse record.

It appears from the claimant's allegations and from the evidence that the disease developed soon after his entry into the service, and that a month after his muster he was admitted to hospital in New York, suffering from inflammatory rheumatism or rheumatic fever, which finally led to his discharge. H. B. Ferren and Nathan Norton, comrades, testify that they knew of his contracting inflammatory rheumatism while in actual line of duty, through colds and exposure, in camp in New York; and that he was treated for the same by the regimental surgeon about the 1st of January, 1862.

As against the adverse record in the War Department, the claimant files a mass of evidence to establish his freedom from rheumatism prior to enlistment. Several of these witnesses are personally known by a member of the committee to be of character and respectability, and Drs. Gould and Pattee are of high standing personally and professionally.

Dr. Gould testifies—

"That he is a practicing physician, and that he has been acquainted with said soldier for about thirty years, and that before said claimant enlisted into the service of the United States the said claimant was free from rheumatism or any disease. I was his father's family physician, and saw the claimant often, and if he had been sick or troubled with rheumatism I should have known it. After the claimant's discharge from the United States service I was called to treat him professionally for rheumatism, and have continued to treat him every year since. I have two charges for visits in 1874—January 4 and April 14. The other times the said soldier paid me at the time of visit, and I made no charges. The said claimant is now suffering from chronic rheumatism of long standing. The said soldier is unable to perform manual labor more than one-half of the time, and during the cold part of the season not at all. He further declares that he has practiced medicine thirty years."

In supplemental affidavits Dr. Gould states that rheumatic fever has produced sores on claimant's legs, commonly called fever sores, and that his disability is not now, and has not been, prolonged by any intemperate or other bad habits.

Dr. Luther Pattee testifies:

"I am a practicing physician, and have been for more than thirty years. Have lived in Manchester most of the time since June, 1863. From 1853 to 1857 was located as a physician in Candia, N. H. I knew Nathan W. Magoon at that time. Never treated him during that time for rheumatism or any other severe sickness, and did not know of his having had rheumatism. Think I should have known it if he had had it, as I was well acquainted with him and saw him frequently, and treated other members of his father's family. Since 1863 I have prescribed for him a number of times for sickness and general ill health, but am not aware of the exact dates or number of times, as it was not put upon my books, and I have no means of refreshing my memory on that point. Have generally entertained the idea that he got his illness while in the Army, but cannot now give specific reasons for that impression."

In substantiation of the testimony of these reputable physicians, some dozen other persons of character, some of whom have been intimately acquainted with claimant from early childhood, testify that, aside from the diseases incident to childhood, claimant was a well man, free from rheumatism, until his entry into the United States service.

It is clearly established that if, as his certificate of disability alleges, rheumatism existed previous to enlistment, it was in such form and such degree as never to have come to the knowledge of his family physician or his most intimate acquaintances; also, that very soon after his entry into the service he was prostrated by a severe attack, which has continued and developed into a grievous disability. Assuming—what there is no evidence to warrant us in doing, except the surgeon's certificate—that there was constitutional predisposition to rheumatism, it is clear that it was developed by exposure to the rigors of a Northern midwinter while in the military service. The Government has had the benefit of the doubt for twenty-four years. We think the soldier should have his turn now, and recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 669.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 860.]

The Committee on Pensions, to whom was referred the bill (S. 860) granting an increase of pension to John N. Runyan, having considered the same, respectfully report:

The petitioner files an affidavit in support of his claim for increase, stating that he was wounded in front of Kenesaw Mountain on or about June 15, 1864, while serving as first lieutenant Company A, Seventy-fourth Regiment Indiana Volunteers, his right leg being amputated just above the knee joint during the following night; that he was discharged from the service November 1, 1864, his wound not yet healed; that his limb continued to heal and break out until November, 1866, when Dr. Parks, of Warsaw, Ind., laid it open and scraped the bone. This operation failed to result favorably, the limb continuing to discharge almost constantly until May 9, 1867, when Prof. John Powell, of Chicago, Ill., performed a trephining operation, taking out about three inches and a half of the femur in length by half of the diameter in width, and removing six splinters of bone from the inner cavity of the femur. This operation simply resulted in arresting the rapid progress of the disease, and in November, 1876, in order to save his life, petitioner submitted to a reamputation of his limb; that his recovery from the last operation was tedious, painful, and very expensive; that his limb has troubled him many times since, and is at this time painful and tender, being unable to use an artificial limb; that his nervous system is shattered and broken, and his purse depleted by physician's bills and other expenses resulting from his wound.

Petitioner also files a large number of receipted bills and affidavits, showing that he has paid out for physicians, nurses, medicine, &c., on account of his wound, the sum of $2,427.73.

A large number of affidavits of attending physicians and others are filed with the papers, corroborating the testimony of the petitioner as to the serious character of his wound, the suffering he has endured, and the great expense he has been at in consequence thereof.

In view of all the facts stated, the great suffering and pain Mr. Runyan has endured, and the expense he has been put to in consequence of his wound, the committee think that he is entitled to an increase of pension, and therefore recommend that the bill do pass, with an amendment substituting $50 per month for $60 per month.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 670.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1152.]

The Committee on Pensions, to whom was referred the bill (S. 1152) granting a pension to Sarah E. Bassett, have considered the same, and ask leave to report:

Sarah E. Bassett is the daughter of Capt. Julius Bassett, who enlisted from Meriden, in the State of Connecticut, and was made captain of Company A, Fifteenth Regiment Connecticut Volunteers. He was killed in action at Kinston, N. C., March 8, 1865, having served more than two years. He was an exceptionally worthy citizen, who enlisted purely from a sense of duty, and was a very brave officer. He left a widow, who drew a pension a short time, but who did not long survive him. His daughter, Sarah E. Bassett, was about twenty years of age at the time of his death. She has always been an imbecile and is now supported by charity. Captain Bassett left a good business to enter the war, from which he comfortably supported his family, but at the time of his death he had no property and left no means for the support of his family.

This case falls within former precedents established by Congress, and the committee recommend the passage of the bill providing pension at the rate of $12 per month.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 671.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

MR. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1102.]

The Committee on Pensions, to whom was referred the bill (S. 1102) granting an increase of pension to Dr. Azariah Lanning, having considered the same, respectfully report:

This claimant is now drawing a pension of $30 per month, the full amount allowed by law, on account "of a grape-shot wound in left leg received at the battle of Nashville, Tenn., December 15, 1864, ball entering knee and so injuring bones and soft parts as to require amputation on lower third thigh, which was performed on same day wound was received."

In support of his claim for increase claimant presents the following evidence:

The petitioner, Dr. Azariah Lanning, testifies that he was wounded at Nashville, Tenn., December 15, 1864, by being hit in the knee of the left leg by a grape-shot while the brigade of which he was a member was charging the enemy; that he was taken to a field hospital, where his leg was amputated that night just above the knee; that he lay all night on the hospital floor, and the next morning was removed to Hospital No. 8, in Nashville, Tenn., where he remained four months; that all of this time except two weeks he was unable to sit up and only moved by the help of nurses; that his suffering was almost unendurable; his wound gangrened at two different times, requiring each time a surgical operation. In April, 1865, he was removed to a hospital at Louisville, Ky., the wound not yet healed; soon after removed to hospital at Indianapolis, Ind., and in October, 1865, received his discharge and went home to Salem, Ind., where he remained during the following winter unable to do any work and fully one-half the time confined to his room and bed a constant sufferer.

In March, 1866, he went to Cincinnati, Ohio, and placed himself under the care of Dr. Mussey, a professor in the faculty of Miami Medical College; that Dr. Mussey split his partially-healed stump, removed four or five pieces of bone, and after three weeks of intense suffering reamputated his limb, which was the fifth surgical operation performed; that he remained in Saint Luke's Hospital three months, and there received his first pension of $8 per month, which he applied as hospital charges; that he returned to Salem, Ind., in June, 1866, his health in a precarious condition, his wound not healed, being distressingly painful and constantly suppurating; that since June, 1867, his stump has

broken out and become very sore at four different times; that he is in severe pain one-half the time; that his present state of poor health, which requires him to submit to constant medical treatment, is the result of his wound and imprisonment; that he was taken prisoner June 11, 1864, and confined in Andersonville three months; that he came near dying from cruel treatment and insufficient food, from the effects of which his health never fully recovered. He further says that he thinks he is entitled to an increase of pension on account of the suffering he has endured for twenty-one years and the large expense he has incurred in procuring medical treatment, &c.

This testimony of Dr. Lanning is corroborated by the affidavits of a number of physicians, who testify as to the serious character of the wound, the almost constant pain and suffering he has endured, and the great expense he has been to in procuring medical advice, sparing neither time nor money in the hope of relief.

There are also a number of affidavits filed by neighbors, who testify as to the suffering endured by Dr. Lanning, and that he is a prudent, temperate man, and has done nothing through carelessness or neglect to aggravate his wound.

In view of all the facts stated, the committee recommend that the bill do pass, with the following amendment: Strike out the word "sixty" after the word "of" in the sixth line, and insert the word "fifty."

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 672.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 701.]

The Committee on Pensions, to whom was referred the bill (S. 701) for the relief of the legal representatives of Peter Lyle, deceased, have examined the same, and report:

Peter Lyle was mustered as a colonel of the Ninetieth Regiment Pennsylvania Volunteers March 10, 1862, and was discharged November 26, 1864. He had previously served as colonel of the Nineteenth Pennsylvania Volunteers from April 27, 1861, to August 9, 1861. He applied for a pension to the Department, which was allowed at the rate of $30 per month from December 31, 1878, and subsequently, on the 16th of July, 1879, his application for arrears was granted from the date of discharge, and a certificate was issued on that date. The soldier died the next day, July 17, 1879, before the money was paid over, but left no widow or minor child surviving, and the administrator of the estate made claim to the amount of pension represented by said certificate. This claim was denied by the Department. An appeal was taken to the Secretary of the Interior, but the decision refusing payment was affirmed in the following terms:

DEPARTMENT OF THE INTERIOR.
Washington, May 10, 1880.

SIR: Herewith are returned the papers which accompanied your report of the 5th instant, upon the appeal of Mr. Silas W. Petit, of Philadelphia, as attorney for Vincent P. Donnelly, from the refusal of your office to pay to the latter as administrator of Peter Lyle, late colonel Ninetieth Pennsylvania Volunteers, the arrears of the pension of said Lyle, under the acts of January 25 and March 3, 1879.

The facts of the case are fully set forth in the appeal and in your report thereon.

It appears that Colonel Lyle filed an application for the arrears of pension, which was allowed, and on the 22d of July, 1879, a certificate therefor, dated the 16th of July, was issued by your office.

The pensioner died without payment to him of the arrears of pension, on the 17th of July, 1879, leaving, as stated in the appeal, neither widow nor child.

The second section of the act, granting the arrears of pension, authorizes and directs the Commissioner of Pensions to adopt such rules and regulations as will be necessary to cause such arrears to be paid to the pensioner, or, if he shall have died, to the person or persons entitled thereto. There is nothing in this act, nor in the act making appropriations for the payment of the arrears (approved March 3, 1879, vol. 20, ch. 187), to indicate who, in the case of the death of the pensioner, is the person entitled to receive the arrears, and it has been the practice of your office to subject such payments to the limitations contained in section 4718, Revised Statutes.

It is urged in the appeal (1) that section 4718 has no bearing upon the present case but that its letter and its intent apply only to the pension accruing from the date of its last payment to the date of the death of the pensioner and not to arrears of pension allowed to the pensioner during his lifetime but remaining unpaid at the time

of his death, and (2) that such arrears are a debt of the United States to the pensioner, and as such payable to his administrator in like manner as other debts are.

Section 4718 provides that "if any pensioner has died or shall hereafter die, or if any person entitled to a pension having an application therefor pending, has died or shall hereafter die, his widow, or if there be no widow, the child or children of such person under the age of sixteen years shall be entitled to receive the accrued pension to the date of the death of such person. Such accrued pension shall not be considered as a part of the assets of the estate of deceased, nor liable to be applied to the payment of said estate in any case whatever, but shall inure to the sole and exclusive benefit of the widow or children, and if no widow or child survive, no payment whatsoever of the accrued pension shall be made or allowed, except so much as may be necessary to reimburse the person who bore the expenses of the last sickness and burial of the decedent, in cases where he did not leave sufficient assets to meet such expenses."

The language of this section does not warrant the restrictive construction placed upon it by the appellant. It provides not only for the distribution of any amount of accrued pension which may be due to a pensioner from the date to which he was last paid to the date of his death, but it also prescribes to whom and under what circumstances payment shall be made of any amount of accrued pension which may be found to be due to a person who having applied therefor, has died before his right to pension has been determined.

In all the legislation by Congress upon the subject of the payment of pensions found to be due to persons whose death occurred before establishing their right to pension or receiving any payment of the same, the amount of such pension is termed "accrued" pension (see section 6, act of June 6, 1866; section 4, act of July 25, 1866; section 9, act of July 27, 1868, and section 25, act of March 3, 1873, now section 4718, Revised Statutes), while in section 7 of the act of July 27, 1868, the amount of pension due to persons whose names were then upon the pension-roll, and who were entitled to the benefits of the sixth section of that act is called "arrears" of pension, from which it is clear that it was not the intention in these enactments that a distinction should be observed between the terms "accrued pension" and "arrears of pension," as is claimed in the appeal.

It was evidently intended that the two classes of persons named in section 4718, "pensioner" * * * "and any person entitled to a pension having an application therefor pending," should include all persons having any right to the benefits of the pension laws. No other class is known to the law, and none other has been recognized by the Department in its execution.

In respect of the arrears of pension, or accrued pension, Colonel Lyle, at the date of his death, belonged to one or the other of the classes mentioned, it does not matter to which one, the more properly as the section applies with equal force to both, and any amount of pension money due to him at the date of his death can be paid only in accordance with the provisions and limitations of section 4718, of the Revised Statutes.

The refusal of your office to pay the arrears of pension to the administrator of Colonel Lyle is affirmed.

Very respectfully,

C. SCHURZ,
Secretary.

The COMMISSIONER OF PENSIONS.

Upon this conclusion the case was duly certified to the Court of Claims, and the decision of the Secretary of the Interior was approved.

The opinion of the court is as follows:

[Court of Claims, No. 12676.]

VINCENT P. DONELLY, ADMINISTRATOR OF THE ESTATE OF PETER LYLE, DECEASED, *v.* THE UNITED STATES.

On demurrer.

RICHARDSON, *J.*, delivered the opinion of the court:

This case comes to issue upon demurrer by the defendants to the petition of the claimant.

The alleged facts are these: Peter Lyle had been colonel of the Ninetieth Regiment of Pennsylvania Volunteer Infantry during the war of the rebellion, and was in receipt of a pension which commenced from the date of his filing the last evidence necessary to establish his claim before the Commissioner of Pensions, in accordance with the provisions of the statutes previous to January 25, 1879.

On that day Congress passed an act, the first section of which is as follows:

[SECTION 1.] That all pensions which have been granted under the general laws regulating pensions, or may hereafter be granted, in consequence of death from a cause which originated in the United States service during the continuance of the late war of the rebellion, or in consequence of wounds, injuries, or disease received or contracted in said service during said war of the rebellion, shall commence from the date of the death or discharge from said service of the person on whose account the claim has been or shall hereafter be granted, or from the termination of the right of the party having prior title to such pension:

Provided, The rate of pension for the intervening time for which arrears of pension are hereby granted shall be the same per month for which the pension was originally granted. [Act of January 25, 1879, ch. 23, Supplement to R. S., p. 395.]

This act was amended by the act of March 3, 1879, ch. 187, § 2, Supplement to R. S., p. 468; but the amendment is not material in this case.

The claimant's intestate thereafter applied for the benefit of the provisions of that act.

On the 16th of July, 1879, his application was allowed by the Secretary of the Interior, and a certificate thereof was issued in the following form:

[Acts of January 25 and March 3, 1879.]

No. 157237. Invalid.

THE UNITED STATES OF AMERICA,
Department of the Interior, Pension Bureau.

ARREARS OF PENSIONS.

It is hereby certified that in conformity with the acts of Congress approved January 25 and March 3, 1879, Peter Lyle, a pensioner, on the rolls of the Philadelphia agency, as an invalid, and whose certificate is numbered 157237, is entitled to arrears of pensions, at the rate of $15 per month, commencing November 27, 1864, and $22 per month from November 27, 1869, and $30 per month from November 27, 1874, and ending December 30, 1878. Any payment made covering any portion of the time herein mentioned to be deducted unless otherwise directed.

Given at the Department of the Interior, this sixteenth day of July, one thousand eight hundred and seventy nine.

A. BELL,
Acting Secretary of Interior.

Indorsed and countersigned.

O. P. G. CLARKE,
Acting Commissioner of Pensions.

$3,724.

Said Lyle died July 17, 1879, the day next following this allowance, unmarried and without issue, and the claimant Donelly was subsequently duly appointed administrator of his estate. Demand was made by the administrator for the payment to him of the amount of the allowance, but, after consideration, was refused by the Commissioner, and on appeal the decision of the Commissioner was approved by the Secretary of the Interior.

The only question of law involved in the case is whether or not this allowance *ipso facto* creates a debt against the United States, for the recovery of which an action survives to the administrator of the deceased.

The allowance is a pension, of which the certificate of the Secretary of the Interior is sufficient evidence in the absence of fraud or mistake.

A pension is a periodical allowance of money to a person, in the nature partly of a gratuity and partly of payment for past benefits conferred; payment because it is supposed to be in consideration of previous services rendered to the Government or the public, for which the compensation before made, if any, was inadequate in proportion to the benefits received and the ability of the nation in its prosperity to pay; a gratuity because it is not ordinarily founded on contract, and in such case cannot be demanded as a legal right until the Government has acknowledged its moral obligation and made the grant. As it is purely voluntary, its payment must be made and accepted in exact conformity with the terms of the grant, and must be subject to all the limitations, conditions, and exceptions therein contained.

It becomes necessary, therefore, to examine the pension laws, in order to ascertain the terms on which this pension was granted.

The act of July 27, 1868, ch. 264, § 9 (17 Stat. L., 236), amending an earlier act, provided that if any person entitled to a pension died after March 4, 1861, while an application for such pension was pending, leaving no widow and no child under sixteen

years of age, his or her heirs or legal representatives should be entitled to receive the accrued pension to which the applicant would have been entitled had the certificate issued before his death. Had this provision remained in force it might well be argued that when a pensioner died after the issue of his certificate and before drawing the money, leaving no widow and no child under sixteen years of age, the right to recover the amount survived to his legal representatives, in like manner as when he died before the issue of the certificate.

But that act is no longer in force. On the 3d of March, 1873, Congress passed "An act to revise, consolidate, and amend the laws relating to pensions," the twenty-fifth section of which made altogether different provisions on the subject and established a new policy as to the disposition of money due pensioners at the time of their deaths. As incorporated into the Revised Statutes those provisions are as follows:

"SEC. 4718. If any pensioner has died or shall hereafter die, or if any person entitled to a pension, having an application therefor pending, has died or shall hereafter die, his widow, or if there is no widow the child or children of such person under the age of sixteen years, shall be entitled to receive the accrued pension to the date of the death of such person. Such accrued pension shall not be considered as a part of the assets of the estate of deceased, nor liable to be applied to the payment of the debts of said estate in any case whatever, but shall inure to the sole and exclusive benefit of the widow or children; and if no widow or child survive no payment whatsoever of the accrued pension shall be made or allowed, except so much as may be necessary to reimburse the person who bore the expenses of the last sickness and burial of the decedent in cases where he did not leave sufficient assets to meet such expenses."

If this section applies to pensions under the act of 1879, then this claimant has no cause of action, because it is therein expressly declared that accrued pensions shall not be considered as part of the assets of the estate of the deceased.

It is contended on behalf of the claimant that the demand sued on is not an "accrued pension," and so does not come within the provisions of that section, but is a debt with a vested right of action against the United States, which, like other debts and rights of action, pass to the administrator on the death of the creditor. This view is based upon the language of the act of January 25, 1879, chapter 23 (Supplement to Rev. Stats., p. 395), under which the certificate was issued, wherein the pensions thereby granted are called "arrears of pension," and are not styled "accrued pensions."

We are unable to concur in this construction. That act did not grant any specific sum of money, but merely extended the operation of previously existing pension laws, so as to cause the pensions therein mentioned to begin to run from the date of the death or discharge from service of the pensioners. The act was an extension of former acts and must be read and construed in connection with them, as statutes *in pari materia* are always read and construed together, in order to ascertain the legislative will. At the time of the issue of the certificate to the claimant's intestate, the amounts due him were as much "accrued pensions" as they were "arrears of pensions." As to such pensions, either of the two forms of expression is correct. They do not differ from each other in meaning. In other pension acts the same expressions are used without that technical distinction which the claimant now seeks to establish. (Act of June 6, 1866, sec. 6. Act of July 25, 1866, sec. 4, 14 Stat L., 57, 230. Act of July 27, 1868, sec. 9, 15 Stat., 236.)

That Congress understood and intended section 4718 of the Revised Statutes to apply to the act of July 25, 1879, under which this certificate was issued, is further manifest from section 2 of the latter act, which is as follows:

"SEC. 2. That the Commissioner of Pensions is hereby authorized and directed to adopt such rules and regulations for the payment of the arrears of pensions hereby granted as will be necessary to cause to be paid to such pensioners, or, if the pensioner shall have died, to the persons entitled to the same, all such arrears of pensions as the pensioner may be, or would have been entitled to under this act."

This section assumes that in case of the death of the pensioner there may be other persons entitled to the same under some other provisions of the statutes. No provisions of that kind exist other than those which are found in Revised Statutes, sec. 4718. We have already shown that those provisions when first enacted in 1873 constituted an entire change of policy on the part of Congress. They expressly declare that "such accrued pension shall not be considered as part of the assets of the estate of deceased, nor liable to be applied to the payment of the debts of said estate, in any case whatever, but shall inure to the sole and exclusive benefit of the widow or children, and if no widow or child survive, no payment whatever of the accrued pension shall be made or allowed, except so much as may be necessary to reimburse the person who bore the expenses of the last sickness and burial of the deceased, in cases where he did not leave sufficient assets to meet such expenses."

We see nothing in the act of 1879 to take the case out of the operation of this general and continuing statute.

In our opinion the decision of the Commissioner of Pensions, affirmed by the Secre-

tary of the Interior, that the right to the accrued pension, or pension in arrears, which the claimant's intestate would have been entitled to had he lived to demand it, did not survive to his administrator was correct, and therefore we hold that the claimant has no cause of action, and the demurrer must be sustained.

Upon this decision being made, a bill was introduced for relief by special act. The following additional evidence has been filed to sustain such action:

STATE OF PENNSYLVANIA,
City of Philadelphia, ss:

Vincent P. Donnelly, being duly sworn according to law, deposes and says: That on the 5th day of November, 1879, he was duly appointed administrator of the estate of Peter Lyle, deceased, late colonel of the Nineteenth Pennsylvania Volunteers, as shown by proofs in the United States Court of Claims, filed May 13, 1881, case No. 12676. That deponent was well acquainted with the pecuniary circumstances of the said decedent, and all the property and estate of whatever kind, real or personal, did not exceed in value $50, and consisted of his personal clothing only. That decedent's last sickness continued for three years immediately preceding his death, and during all this period he was wholly unable to labor, or in any way provide for his maintenance. That he was in great poverty during such period and was only saved from absolute want of the necessaries of life by the services and pecuniary assistance rendered him by friends, as set out in Senate bill No. 701.

Deponent further saith that he has read carefully the preamble to the said bill, which was introduced by the Hon. John I. Mitchell on the 18th day of January, 1885, and from his knowledge of the allegations therein contained, he avers that the same are just and true, and he hereby makes the preamble of the said bill a part of this affidavit.

Deponent further saith that the sum of $3,909.86, being the aggregate amount of the indebtedness referred to in said bill, includes all of the obligations of honor due by said decedent; that the amount is just, true, and reasonable in every particular, having been judicially established by the court of common pleas for the county of Philadelphia, and judgments rendered and entered of record against deponent as administrator of the estate of the said Peter Lyle, deceased. Deponent therefore prays that the said bill be passed.

VINCENT P. DONNELLY.

Sworn and subscribed before me this 12th day of December, A. D. 1885.
[SEAL.] FRED'K J. LAMBERT,
Notary Public.

STATE OF PENNSYLVANIA,
City of Philadelphia, ss:

Robert P. Dechert, being duly sworn according to law, saith that he is the city controller in and for the city of Philadelphia; that he was acquainted with Peter Lyle during his life, and with the circumstances connected with his services in the Army, his sickness and suffering, and debts of honor, &c., as recited in the preamble of Senate bill No. 701 introduced by Hon. John I. Mitchell on January 18, 1885; that he has read said bill, and from his personal knowledge of all facts therein referred to he hereby indorses and corroborates the essential accuracy of the same.

Deponent further saith that the aggregate amount of the debts of honor incurred to friends for his daily bread and other necessaries of life during his long sickness has been judicially established by the court of common pleas for the county of Philadelphia in entering judgments on several claims, as follows, viz: Eight several judgments obtained and entered of record on April 26, 1884, against Vincent P. Donnelly, administrator of the estate of the said Peter Lyle, deceased, amounting in the aggregate to the sum of $3,909.86.

Deponent further saith that he has examined the details and charges that go to make up the amount of these judgments and he verily believes them to be just and true in every particular, and embrace only such items of service and expenditure and advances as were made necessary by the last and exceptionally protracted sickness and the death and burial of the said Peter Lyle, deceased, late colonel of the Nineteenth and Ninetieth Pennsylvania Volunteers.

ROBERT P. DECHERT.

Sworn and subscribed before me this 9th day of December, A. D. 1885.
[SEAL.] FRED'K J. LAMBERT,
Notary Public.

The pertinent facts of this case, then, as shown by all the evidence before your committee, are briefly summarized in the preamble to the bill, as follows:

Whereas Peter Lyle, deceased, late colonel of the Ninetieth Pennsylvania Volunteers, was mustered out of the service of the United States, in the field in front of Petersburg, Va., November 26, 1864, for wounds received in battle and which incapacitated him for further duty; and

Whereas a certificate of pension was, on account of his services and wounds received therein, issued to him on July 16, 1879; and

Whereas, pending the adjudication of his pension claim, he was, solely by reason of his injuries, wholly unable to labor or in any way earn his maintenance, and was supported from the private means of personal friends, whose advances he engaged and promised to refund out of the arrears of pension due him, when he should receive the same; and

Whereas his unimpeachable personal character was held as sufficient security that such debts of honor would unquestionably be so paid by him; and

Whereas he died on July 17, 1879, after years of great suffering, and after his clear right to pension was fully established and the amount of arrears due him had been definitely ascertained and ordered to be paid to him by the pension agent at Philadelphia; and

Whereas it was indubitably his intention and desire to apply such amount to the discharge of his debts thus incurred and predicated on such allowance, and for the payment for which his honor was pledged; and

Whereas he died intestate, unmarried, and without issue; and

Whereas letters of administration on his estate were duly granted to Vincent P. Donnelly, of Philadelphia, on November 5, 1879, the application for said letters being for the sole and express purpose of disbursing said arrears according to the wish and obligations of Colonel Lyle; and

Whereas the amount of said arrears in the sum of $3,724 was unquestionably the property of Lyle as soon as his right and title thereto were certified by the Commissioner of Pensions, and would have been paid into his hands but for the accident of his death before the formal vouchers were presented for his signature; and

Whereas the official construction of the law interposes a technical bar to the payment of said money to said administrator; and

Whereas a just and equitable regard is due from the Government to the dying wishes of a brave, accomplished, and deserving officer, who not only gave his life to the service of his country, but endured years of physical suffering, added to the years of torture to which his sensibilities were subjected by his enforced obligations incurred to friends for his daily bread and needs, and inability to offer them other security than the justice of his country when it might choose to recognize its obligations; and

Whereas a moral obligation was thereby bequeathed by him to his Government, which it is in equity and good conscience bound to discharge; and

Whereas the fact that the certificate was actually issued, and was practically in the nature of a warrant for payment, renders the equities in this case exceptionally perfect: Therefore, for the purpose of discharging the aforesaid obligations, the incurrence of which to the total of $3,909.86 have been incontestably shown and admitted, so far as the said arrears due at the time of Colonel Lyle's death, pro rata, may—

There is no question as to the facts as set forth, and the claimant argues in his brief that it has been held by the Supreme Court of the United States that an *allowance* of this character is a *settlement* of the claim, and fixes the liability of the Government; that the claim being settled it becomes an indebtedness, citing 96 U. S., 567; 4 Wall., 435, and 102 U. S., 397, 402.

Section 4718, Revised Statutes, provides that—

No payment of accrued pension shall be made or allowed except so much as may be necessary to reimburse the person who bore the expenses of the last sickness and burial of the decedent.

Your committee are of opinion that the evidence shows that there were several persons who rendered medical attendance, who furnished money, nursed, and clothed, and fed this unfortunate ward of the nation during his long continued last sickness, and that these expenses and attentions were necessary to keep this brave old wounded soldier,

who had served his country so faithfully, from starvation, beggary, and rags, or from the almshouse. It is shown that for the payment of these services and expenses rendered by comrades and others the soldier had pledged his honor, and had based his pledge upon his claim for arrears of pension due him; that his last sickness continued for three years immediately preceding his death, and that during all this time he was wholly unable to labor or in any way provide for his maintenance. This indebtedness, as judically established, amounts to $3,909.86; and judgments for this amount have been rendered by the courts against the administrator, Vincent P. Donnelly.

The amount awarded by the certificate was $3,724, and would have been used to liquidate the above debt if the soldier had lived to actually receive it. The present bill simply proposes to pay this amount to said administrator, as the law, as officially construed, seems to interpose a technical bar to such payment.

Your committee are of opinion that even under section 4718, Revised Statutes, this amount might be properly considered as necessary to reimburse "the expenses of the last sickness and burial of the decedent." In view of all the facts it would seem that the Government should, as a matter of justice, pay this claim, and thus discharge the obligations in honor of this brave soldier, who gave his life to the service of his country, and we therefore report back the bill with a recommendation that it do pass.

The bill should, however, be amended by striking out all of the preamble between the title and the enacting clause.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 673.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. PLATT, from the Committee on Patents, submitted the following

REPORT:

[To accompany bill S. 1361.]

The Committee on Patents, to whom were referred the bills (S. 1143 and S. 1361) to direct the Secretary of the Navy to purchase for the United States the right to make and use a certain improvement in machines for bending metal links, and to provide for the payment thereof, and for the relief of Robley D. Evans and Richard M. Green, and also the petition of said Evans and Green, having considered the same, beg leave to submit the following report:

Robley D. Evans and Richard M. Green are the patentees of a machine for cutting and bending metal links, which has been in use and is still used in the United States navy-yard at Washington, in the manufacture of cable and other chains. It was patented April 4, 1882, the letters patent being numbered 256104.

Robley D. Evans was, at the time the machine was put in use, the equipment officer in charge of the equipment division of the Washington navy-yard. Richard M. Green, the other patentee, was foreman of the chain and smith shop.

It appears from documents hereto appended that when Commander Evans was succeeded by Commander Casey, there was a verbal agreement made with Commander Casey by Green, one of the patentees, that no compensation was to be demanded of the Government for its subsequent use. This agreement does not appear to have been made at the time when the machine was first put in use at the navy-yard, Commander Evans, then in charge of one department of the yard, being one of the patentees.

It appears also that Government time, material, and facilities were used by the patentees in constructing and perfecting the invention. Under the law, however, it is believed that the invention belongs to the patentees and not to the Government, and that the use of it may be withdrawn by the patentees.

The accompanying papers furnished the committee by the Secretary of the Navy, show that the use of the machine is advantageous to the Government.

The bill proposes the payment of $40,000 to the patentees, but under the circumstances the committee are of the opinion that $4,000 will be a fair compensation for the past and future use of the invention by the Government, and therefore recommend the passage of Senate bill 1361 with an amendment striking out the word "forty" in the sixth line of the bill and inserting in lieu thereof the word "four."

The letter of the Secretary of the Navy, with accompanying documents, is appended to this report.

The committee recommend that Senate bill 1143 be indefinitely postponed.

NAVY DEPARTMENT,
Washington, March 30, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of the 4th instant, inclosing a copy of Senate bill No. 1361, "for the relief of Robley D. Evans and Richard M. Green," who have requested compensation from Congress for the use of their patented invention for bending metal links for the manufacture of cable and other chains.

In compliance with your request that the Senate Committee on Patents be informed as to the extent the invention referred to has been used by the Government, if at all; whether the continued use of the invention is deemed important; whether any compensation should be made to the inventors for the past or future use of the invention, and, if so, what would be deemed a reasonable compensation for the same, I transmit herewith a copy of a communication from the chief of the Bureau of Equipment and Recruiting, in this Department, and a copy of the report of a board of officers, accompanying the same, which will, it is believed, furnish the committee with full information upon the subject.

Very respectfully,

J. G. WALKER,
Acting Secretary of the Navy.

Hon. O. H. PLATT,
Chairman Committee on Patents, United States Senate.

NAVY DEPARTMENT, BUREAU OF EQUIPMENT AND RECRUITING,
Washington, March 24, 1886.

SIR: The Bureau respectfully returns the letter of Hon. O. H. Platt, chairman Committee on Patents, United States Senate, and, replying to first indorsement thereon, would state that no correspondence can be found on the files authorizing the adoption of the patent link-bender invented by Mr. Green and Commander Evans.

This "link-bending machine" appears to have been invented and put in use during the term of duty of Commander Evans as equipment officer at the Washington yard. Whatever understanding he may have had with the Chief of the Bureau relating to its adoption at that time does not appear on file.

After Commander Evans was detached, Commander Casey became equipment officer, but this latter officer was careful enough to make a verbal agreement with Mr. Green, the patentee, that no compensation would be demanded or expected from the Government for its use; up to this time no compensation had been made.

From 1882 up to the present time the use of this invention has saved the Government $1,580.60, computing from the lifetime of the patent, on a basis of 50 per cent of past saving, and deducting $315.45 for the Government time, material, and facilities used in constructing and perfecting the instrument.

The contrivance is simple in form and construction. It is an attachment to other machinery, and does save time and labor to the Government.

Its continued use would be advantageous.

From the data submitted by the equipment officer at the Washington navy-yard the Bureau believes that $5,000 would be the most ample compensation for the contrivance.

Very respectfully, your obedient servant,

W. S. SCHLEY,
Chief of Bureau.

Hon. WM. C. WHITNEY,
Secretary of the Navy.

UNITED STATES NAVY-YARD,
Washington, D. C., March 19, 1886.

SIR: In obedience to your order of the 12th instant, appointing us a board to investigate the matter of use, &c., in this yard, of a patented link-bending machine, and furnish replies, so far as able, to the inquiries in indorsement on an inclosed letter, dated the 4th instant, from Senator O. H. Platt, referred to you with accompany-

ers (seven inclosures) by the chief of the Bureau of Equipment and Recruiting, that letters patent for the link-bending machine referred to were issued the of April, 1882; that the machine was first used by the sole authority of the es, one of whom was at the time in charge of the department of the yard in it was placed, and the other of whom was foreman of the chain and smith hat Government time and material were used in perfecting the plant; that ent to the detachment from this duty of the first patentee, the second one ed the use of the appliance under a verbal agreement with the then equipment hat no demand for compensation from the Government was to be made for its at the machine has been employed at intervals from the date of the patent, day of April, 1882, to the present time; that both patentees were in the employ overnment and received their legal pay, and no other compensation; and that g of $1,580.60 has resulted from the use of the machine up to this date.

onsider the patent useful to the Government with its present chain-making nd are of the opinion that for the life-time of the patent, upon the basis of 50 t. of past saving and allowing $315.45 to the Government for its time, material, ilities used in perfecting the machine, the sum of $2,500 would be ample com- on for the future use of the machine in this yard; payment for past use not ue prior to the 2d of January, 1885, in consequence of the arrangement made a one of the patentees and the officer in charge of the Equipment Department. ccompanying papers (seven inclosures) referred to in your order to the Board, r with a copy of the order, are herewith inclosed.

ery respectfully, &c.,

GEO. C. REMEY,
Captain, U. S. Navy.
J. H. SANDS,
Commander, U. S. Navy.
D. P. McCARTNEY,
Chief Engineer, U. S. Navy.

dore W. W. QUEEN, U. S. Navy,
Commandant.

TH CONGRESS, 1st Session. | SENATE. | REPORT No. 674.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1539.]

e Committee on Pensions, to whom was referred the bill (S. 1539) grant-ng a pension to Eveline Hunt, widow, and the minor children of Lewis Hunt, deceased, have carefully considered the same, and submit the fol-owing report:

)n the 3d day of November, 1875, claimant filed application with the mmissioner of Pensions, praying for pension for herself and her ıor children. After the evidence in the case had been called for and nished, the Department rejected the claim, on the 5th day of May, '7, "on the ground that Enrolled Missouri Militia was not a military ;anization of the United States."

Your committee have had before them the papers filed in support of s claim in the office of the Commissioner of Pensions from which ;y learn that the deceased soldier, Lewis Hunt, was a private in Com-ıy C, Seventy-sixth Regiment Enrolled Missouri Militia; that the ls on file in the office of the Third Auditor show that he was enrolled said Company C "on the 12th day of August, 1862, at Mount Vernon, ., and was killed September, 1862, by the Sixth Missouri, while carry-: dispatches to Greenfield."

The late colonel of the regiment testifies to an intimate personal ac-aintance with the deceased soldier, and adds "that said Lewis Hunt s detailed from said Company C to carry a dispatch from Mount rnon to Greenfield, Mo., on or about the 6th day of September, 1862; ,t said Company C was then and had been for twenty-five days vious, in actual service in the war of the rebellion; that while said wis Hunt was on duty as a soldier, carrying said dispatch from Mount rnon to Greenfield, Mo., he was fired on and killed."

The Enrolled Missouri Militia was at all times under the orders of of-ers of the United States, and did valuable service in aiding in the ›pression of the rebellion.

From the foregoing facts your committee have come to the conclusion ıt justice and equity demand that the prayer of the widow and minor ldren of this deceased soldier should be granted. We therefore re-rt the bill back with the recommendation that it do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 675.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4370.]

The Committee on Pensions, to whom was referred the bill (H. R. 4370) granting a pension to Myron S. Town, have examined the same, and report favorably, adopting the House report, as follows:

We find that claimant enlisted August 16, 1862, as a private in Company H, One hundred and forty-third Pennsylvania Volunteers; was promoted to lieutenant July 12, 1864, and was mustered out November 4, 1865. December, 1876, he filed application for pension, alleging piles and varicose veins, which was rejected October 28, 1885, on the ground of no record, and inability to prove incurrence in the service. His long service of over three years would seem to render any proof of prior soundness unnecessary, but claimant has shown by nine witnesses, all of whom are reported as of good reputation, that he was sound and well at time of enlistment and for nearly two years thereafter. Claimant testifies that he contracted varicose veins in the campaign of the Wilderness, and that they were much increased by subsequent service; that he cannot furnish the evidence of a commissioned officer, as his company lost their officers, and the first sergeant was taken prisoner; that he cannot furnish the testimony of the surgeon, as he never went to the hospital. He does, however, prove by medical evidence that he was treated immediately after discharge, and until 1883, by four different physicians whose reputations are vouched for as good; that the piles resulted in fistula, for which surgical operations were performed in 1877, and again in 1879. The board of medical examiners at Princeton, Mo., July 22, 1885, report him one-half disabled. There seems but one thing lacking in this case, and that is evidence of actual incurrence in service. It is shown conclusively that he was free from the disease at enlistment and for nearly two years thereafter; that he was suffering from the disabilities at time of discharge, and that they have continued ever since. Diseases of this character are of slow development. At first the inconvenience and suffering from them is slight, and disable the soldier from the discharge of his duties. They might naturally have existed for weeks and months without requiring medical attendance.

After a careful examination of the case your committee conclude that it is a proper one for Congress to afford the asked-for relief, and they therefore recommend the passage of the bill.

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9TH CONGRESS, 1st Session. | SENATE. | REPORT No. 676.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5000.]

The Committee on Pensions, to whom was referred the bill (H. R. 000) granting a pension to John W. Logan, have examined the same, nd report favorably, adopting House report, as follows:

We find that John W. Logan is the father of Clinton M. Logan, who enlisted June 5, 1862, in Company F, Eighty-fifth Illinois Volunteers, and died September 9, 1864, om the effects of a gunshot wound at the hands of the patrol guard at Atlanta, Ga. he application for pension was filed by the father in July, 1879, and rejected March 3, 1884, on the ground that the soldier was not in line of duty when killed. It is xtremely doubtful whether this is true or not, and the benefit of the doubt seems to e given to the Government.

Three witnesses testify that the soldier was sent from camp by his commanding ficer to the city with a letter for another officer. The details are given very fully. While absent on this duty it is claimed he was shot by a drunken guard. On the ther hand, several members of the command testify that they have the impression hat the boy was not on duty at the time he was killed. It seems that he was a mere hild when he enlisted, being only thirteen years of age, and not fifteen when he was not; that he was devoted to his father, and sent him his earnings freely, is fully hown; that the father was poor and nearly blind when his boy entered the service, nd that he is now supported by the charity of his Masonic brethren is equally well stablished.

It would seem that in a case like this, where it is not clearly shown that the soldier was not in the line of duty, the benefit of the doubt ought to be given to the dependnt father. He was an only son, and the old man is left in his poverty dependent on the charity of those who are not bound to him by any ties of relationship.

Your committee recommend the passage of the bill.

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I CONGRESS, } SENATE. { REPORT
t Session. } { No. 677.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3390.]

e Committee on Pensions, to whom was referred the bill (H. R. 3390) ting a pension to William G. Schoonover, have examined the same, report favorably, and adopt the House report, as follows, with an ıdment striking out "Schoonozer" and inserting "Schoonover" in ınd title.

find that claimant is the father of James C. Schoonover, of Company E, One red and fourth Illinois Volunteers; that the soldier died from the effects of ds received in battle, and that his mother was allowed a pension until her death, ptember, 1878. The father's claim was rejected on the ground that he was able pport himself. The evidence shows that after the death of the mother, and about claimant sold his little farm, receiving therefor $300; that after erecting a stone r grave and paying doctors' bills he had $150; that he was well, active, and g for one of his age (then seventy-one years), and could earn $1 per day at light . The special examiner in his report made December 4, 1882, and from which bove statement of evidence is obtained, sums up his findings as follows:

; is my opinion, from observation and the testimony obtained in the case, that ıllowing facts exist: (1) That claimant is the father of James C. Schoonover, was a private in Company E, One hundred and fourth Illinois Volunteers; that Iames C. Schoonover was wounded while in the service and line of duty, and from the effects of said wound; (2) that claimant was partially dependent on ıoldier for support at the date of said soldier's enlistment; (3) that claimant is ıas been since the death of his wife (the mother of soldier, who died September, and who drew pension as dependent mother) able to and has supported himself anual labor."

ɔ old man is now seventy-six years of age. His only son fills a soldier's grave. ıll in battle with his face toward the enemy. Will the Congress of the United s refuse to pension this father because he is able to support himself by manual at the ripe old age of seventy-six years?

ır committee recommend the passage of the bill.

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9TH CONGRESS, 1st Session. | SENATE. | REPORT No. 678.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4999.]

The Committee on Pensions, to whom was referred the bill (H. R. 99) granting a pension to James B. Wilde, have examined the same, ıd report favorably, adopting the House report, as follows:

We find that claimant enlisted August 4, 1862, in Company D, Thirteenth New ırk Volunteers, and was discharged March 29, 1865. In June, 1880, he filed applition for pension, alleging rheumatism of intercostal of muscles chest and heart. This ıs rejected on the ground that there was no record, and claimant is unable to show existence in service. Claimant testifies that he served in the Thirteenth New ırk Volunteers from its organization till discharged to accept a commission as ıutenant in Sixty-first New York Volunteers. After joining the Sixty-first New ırk he had slight attacks of rheumatism, but the number of officers in that regiment ing small, he did not report on the sick list, though treated by one or more of the rgeons. Within a day or two after discharge he was attacked very seriously with eumatism of the intercostal muscles of chest and has not been free from it since, ıt has been growing constantly worse and has not been able to perform any manual bor. Maj. George A. Beardsley testifies that claimant was grently exposed on Maryıd Heights, being compelled to sleep on the ground without tent or blankets for ı weeks, having left them on the field of Antietam. Knows that he took part in the ılanta campaign and Sherman's march to the sea, and was under a great deal of exısure during that time. And Surgeon D. B. Winn states that "he remembers aimant, but has no record of the sick treated by him while he was assistant surgeon the regiment. Has a faint recollection of treating him for rheumatism, but could ıt make oath to it. Has not the slightest doubt but what he did treat him."

Silas S. Lyon testifies that he has known claimant for thirty years. Soon after his turn from the Army, in the summer of 1865, he was called to treat him for rheumaısn, which he feels satisfied was induced by exposure and fatigue during Sherman's arch to the sea. Dr. M. L. Gerauld testifies to treating him from 1868 to 1880, at fferent times. About July 1, 1879, treated him, with Dr. Baker, for rheumatism of tercostal muscles of chest, affecting the heart. Had frequently had similar attacks ıfore, and been laid up from work on account of it. His habits are good. Has had ı exposure since he has known him to contract such a disease, and believes it to ıve been caused by exposure in the Army. Dr. Marshall Baker testifies to treating m in 1879. He was suffering acutely from chronic rheumatism, affecting mainly ıterior muscles of chest and action of the heart, rendering his condition extremely itical. Attended him ten days before he was able to leave his bed. Is peculiarly ıble to an attack at any time, which may cause death. The Saint Louis board reırt, September 14, 1881:

"There is hypertrophy with valvular insufficiency; states he is subject to attacks of eumatism during changes of weather, and is laid up in bed every year from three eeks to two months; muscles are flabby. He is nervous and excitable and prosated upon extra exertion. There is no contraction of muscles or enlarged joints; ey are, however, swollen and painful during these attacks. There is debility and ılor; chest more prominent over region of heart. Disability one-half. This is a eritorious case."

Dr. J. H Glasscock testifies, March 29, 1886, that he examined claimant for Mutual ınefit Association of Illinois, and found thickening of the mitral valves of the heart

with very distinct regurgitation in consequence. From the history of the case and the pathological condition found he judged it the result of endocarditis from inflammatory rheumatism. While the proof of incurrence is not sufficiently clear to establish his case in the Pension Office, it seems to be reasonably well shown that he had attacks of rheumatism in the service, and that immediately after discharge these became more severe and have continued ever since. That the disease now exists is clearly shown.

Your committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 679.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 746.]

The Committee on Pensions, to whom was referred the bill (H. R. 746) granting a pension to J. W. A. Bennett, have examined the same, and report favorably, adopting the House report, as follows:

We find that J. W. A. Bennett was appointed an acting ensign in the Navy, February 20, 1865, and served on the Savannah from that date to March 13, 1865; on the Currituck from March 14, 1865, to July 27, 1865, and on the Nansemond from July 28 to August 8, 1865, when he was granted leave of absence. He was honorably discharged October 12, 1865.

Claimant in his affidavit says:

"That he is wholly unable to furnish the testimony or affidavit of a commissioned officer or two of the men belonging to the United States steamer Currituck at the time he met with the accident set forth in the application for invalid pension, for the reason that he does not now know the place of residence of any officer or man with whom he had the honor to serve, nor has he at any time since his discharge and the separation and dispersion of the command ever known the place of residence or whereabouts of either or any of the officers or men, he, immediately after his discharge, having set out for the Western States, and not being bound either by relationship, friendship, or previous acquaintance with any of the members of said command, which was composed of men from most of the seafaring nations of the earth: that there was no surgeon on board at the time of his injury, which was caused by falling from the gunboat across the thwart seat of the boat waiting to convey him to a vessel to be searched, in Chesapeake Bay, in April, 1865, the fall resulting in a rupture of left groin; that the doctor's steward furnished him with a truss."

But he shows by the evidence of Acting Ensign Boivie that the rupture existed a few days after discharge. He testifies:

"He was acquainted with claimant at time of discharge, about the middle of October, 1865; that he was quite intimate with him, being a brother officer and countryman; says he is sure as to time, as he was about to go, and did go to Sweden a few days after; that they boarded at same house together, and claimant wore a truss, and explained to affiant that he was ruptured, and that it was caused by a fall into a cutter that was waiting to take him to a vessel in Chesapeake Bay."

Anton Williams testifies that he became acquainted and was intimate with claimant early in 1866, and he knows that he was then ruptured.

A number of witnesses testify to claimant's high character for truth and veracity from a long and intimate acquaintance with him. There is nothing in the evidence examined to raise a doubt as to the merits of the case. The examining board at Mount Vernon, Mo., report, December 22, 1883, that there is a direct hernia of left side.

Your committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 680.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1396.]

The Committee on Pensions, to whom was referred the bill (H. R. 1396) granting a pension to Martin Kirk, examined the same and report favorably, adopting the House report, as follows:

[House Report No. 410, Forty-ninth Congress, first session.]

We find that claimant enlisted August 19, 1863, and was discharged July 17, 1865. July, 1877, he applied for a pension, alleging "that on the 30th of September he contracted a fever; that he was salivated from mercurial treatment while under treatment for fever, which has resulted in cough, &c." This was rejected on the ground of no record and inability to furnish evidence of commanding officer or surgeon. The records of the company show for September and October that he was absent sick in Polk County, but do not state the disease. The claimant says:

"The origin of my sickness, for which I make application for a pension, was from a spell of sickness contracted in the fall of 1863, while on a scout in the counties of Laclede and Webster, Missouri. I was brought from off the scout to Marshfield, Mo., where I lay sick with a fever for three or four weeks. After I was able to get up, I found myself salivated from mercurial treatment. Being in this condition, I was detailed immediately after this sickness on the Shelby raid; was on the raid three weeks, exposed day and night. It ruined my health, and brought on a permanent disease, which has produced a continuous cough and a spitting of corrupt matter and blood."

Dr. S. H. Headin, whose reputation is vouched for "as the very best," testifies that he treated the soldier in October, 1863, for congestion of the liver, caused from exposure in camp life.

R. M. Johnson, one of his comrades, swears that claimant was very sick in September and October at Marshfield, Mo., and that he was never able afterwards to do active duty and frequently not able to perform any duty at all. James Bouldin, another comrade, testifies to the same facts.

Thomas B. Evans, a citizen of Polk County, a member of same company, says claimant was very sick with fever at Marshfield September and October, 1863, and that he was never able for active duty afterwards.

John A. Callahan, a citizen of Marshfield, testifies that he has known claimant since 1857; that he knows of his being sick at Marshfield; that he has not been well since; staid with him two days in 1865 and he was them spitting blood. Has known him ever since, and that he has been troubled with the cough and spitting of blood and corruption ever since.

Two other witnesses testify to having known him since discharge, and describe his condition the same as the last witness has. His family physician and eight others testify to his good health before enlistment. The examining surgeon at Springfield, Mo., November 28, 1881, reports him totally and permanently disabled.

The examining board at same place November 29, 1882, report:

"Applicant is feeble, emaciated, shrunken muscles and flabby; has chronic pharyngitis and some cough. Has rotten teeth and ulcerated, spongy, rotten gums; skin harsh and dry. Is debilitated, and walks with canes; disability, total."

The evidence seems clear and straightforward. Five witnesses swear positively to the origin of the disease. These witnesses testify from personal knowledge to its continuance; the examining surgeons report as to his present condition. Nothing is shown to throw a cloud on any of the evidence offered, but the absence of a hospital record and of the evidence of the surgeon of the regiment was fatal to the case. Your committee find few cases referred to them with evidence so clear and conclusive. That the disease originated in the service, has continued ever since, and now exists, seem to be proven.

Your committee recommend the passage of the bill.

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H CONGRESS, } SENATE. { REPORT
st Session. } { No. 681.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3946.]

he Committee on Pensions, to whom was referred the bill (H. R. 3) granting a pension to Alexander Forsyth, have examined the e, and report favorably, adopting following House report:

aimant enlisted September 10, 1861, in Company C, Second Regiment Reserve s, and was discharged November 2, 1864. He applied for a pension in August, , for gunshot wound of right leg, which was granted. In addition he received a it wound in the shoulder. In 1880 he applied for an increase, alleging rheuma-, resulting from the wounds. This was rejected on the ground that there was no rard sign of that disease. Dr. A. M. Cowan, a physician of high standing and acter, who has been claimant's family physician for nine years, testifies that he been unfit for any labor on account of traumatic neuralgia, resulting from the nds, during all that time.

aimant is now seventy-two years of age, without means of support, and has been ears unable to perform manual labor on account of his wounds and the resulting algia. For the wound in the shoulder he has never had any pension, as it was ved while a prisoner of war in Mississippi, and he was unable to make the re-d proof.

ur committee recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 682.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

MR. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6019.]

The Committee on Pensions, to whom was referred the bill (H. R. 6019) granting a pension to Maria Hollands, have examined the same and report favorably, adopting the House report, as follows:

We find that claimant is the widow of Joshua Hollands, who enlisted in Company D, Second Kansas Cavalry, October 31, 1861, and who was discharged April 4, 1865. The soldier at time of his death was receiving a pension of $24 per month for a severe wound in the wrist, from which the evidence shows that he was a great sufferer from attending rheumatism and neuralgia. He died August 13, 1884, from neuralgia of the heart. The widow's application was rejected on the ground that the soldier's death was not the direct result of the war.

Dr. H. E. Desmond testifies that he treated the soldier at the time of and for five years before his death; that he suffered greatly from nervous prostration, palpitation of the heart, and severe and acute pain in his hand, producing neuralgia of the heart, from which he died. The wound in the arm was a very severe one, and was doubtless the direct cause of his death.

Your committee recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 683.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 686.]

The Committee on Pensions, to whom was referred the bill (H. R. 686) granting a pension to John G. Shawbell, have examined the same, and report favorably, adopting the House report:

The records show that claimant enlisted November, 1861, in Company C, Ninth Regiment Kansas Volunteers, and was discharged December, 1864. In 1875 he made application for a pension, alleging injury to spinal cord by being thrown from a horse July 2, 1863. This application was rejected on account of inability to furnish testimony of a commissioned officer or surgeon, while in the service. The records in War Department show that the company was engaged in action July 2, at Cabin Creek, Indian Territory.

William H. Mainhome and A. J. Knowlton testify that they were members of the same company and saw claimant thrown from his horse; claimant testifies that he was treated by the regimental surgeon, but is unable to obtain his affidavit.

Hon. Harrison Kelley, a gentleman of high character, testifies to an acquaintance with claimant as a neighbor and friend since his discharge; that he has not been healthy since his discharge, and is now a cripple, one leg being paralyzed; that said disability has been growing on him since discharge.

Dr. W. B. Shafer testifies to treating him since 1872 for disease of the spine; that his right leg is partially paralyzed, all sensation below the knee being gone.

Dr. J. Jenks testifies that he personally knew the fact that ever since his discharge from the service he has suffered continuously from great lameness in his back. He is badly crippled by said injury; has nearly lost the use of his right leg and frequently has to go on crutches. Subsequently, in a letter to the office, Dr. Jenks flatly contradicted his affidavit.

The claimant and six of his neighbors testify that Dr. Jenks wrote the letter to the Department because the claimant, in discharging his duty as constable, had levied on property belonging to the doctor; that the latter declared at the time he would have his revenge, and that they have reason to believe, and do believe, that the statements in the letter are wholly false and malicious.

I. M. Lane testifies that he has known claimant since 1857; that he was a hale, robust man when he enlisted, and that he came out a cripple and has remained so ever since.

H. N. F. Read, captain of Company I, same regiment, testifies that claimant was a well, able-bodied man when he went into service and until 1863, and that ever since discharge he has been a cripple.

Your committee are of the opinion that no weight whatever should be given to the letter of Dr. Jenks, and that the other evidence filed establishes beyond a reasonable doubt that his present condition, as shown by the reports of the examining boards, is due to his service. They therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 684.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1344.]

The Committee on Pensions, to whom was referred the bill (H. R. 1344) granting a pension to William H. H. Gillespie, have examined the same, and report favorably, adopting following House report:

Your committee find that claimant enlisted August 1, 1863, in Company I, First Regiment of M. S. M., and was discharged October 29, 1864, on account of amputation of the left arm. Application was made for a pension in 1865, but was rejected on the ground that the wound resulting in amputation was not received in line of duty.

The facts in this case, as established by a special examination ordered by the Pension Department, are as follows:

On the morning of the 1st of August, 1864, claimant, returning from picket duty to his quarters, found his comrades eating watermelons, and was invited to join them, which he did. The men had been amusing themselves by throwing the rinds at each other. Claimant, joining in the sport, threw a piece of rind at Comrade Davidson, who quickly dodged, and the missile struck William J. Fuller, another comrade. Fuller, being a man of violent temper, became at once incensed, and commenced an attack upon the claimant with stones and bricks. Claimant at once retreated to an upper room of the building in which they were quartered, and secreted himself. Remaining there for a short time, until he supposed his comrade's rage had passed away, he ventured out, when Fuller sprang upon him, stabbing him in the left arm, inflicting a wound which made amputation of the arm necessary nine days after. The special examiner, in his report, says:

"All the witnesses agree that Fuller was ill-tempered and easily vexed, that claimant was a mild, peaceable man, and neither of them drinking liquor, and that Gillespie was in sport, and fully believe all Gillespie did was in sport, and he never once anticipated the dire result, and dearly has he paid the penalty. He is a very poor man, and bears a good character in the community."

It would seem that this claimant received this wound through no fault of his, that he had violated no order, and that a pension should have been allowed him by the Department. If the Government accepts into service an insane man, it ought to be responsible for the acts of that man.

Your committee recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 685.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4405.]

The Committee on Pensions, to whom was referred the bill (H. R. 4405) for the relief of William F. Miller, have examined the same, and report favorably, adopting the House report, as follows:

Your committee find that claimant was a private in Company B, Sixteenth United States Infantry; that at the battle of Stone River he received three gunshot wounds, one in the left shoulder, one in the left thigh, and one in the right leg. For these wounds he was placed on the pension roll. The wound in the shoulder caused a partial loss of the muscular power of that arm. Subsequently, while working at a thrashing-machine, the disabled arm was caught in the machinery, owing, as it is alleged, to his inability to properly use that arm; and in his attempts to extricate it the other arm was drawn in, and both were torn off. Claimant appeared before your committee and before the medical board at the Pension Office. He has lost both arms, and, according to the medical examiners' report, is suffering from heart disease, the result of the wound in the shoulder. The Pension Office can allow nothing for the loss of the arms, as it was not the natural and direct result of the wounds received in service.

Your committee believing it, however, to be the indirect result of the wounds, and taking into consideration his unfortunate condition, recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 686.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3100.]

The Committee on Pensions, to whom was referred the bill (H. R. 3100) granting a pension to Samuel Hanson, have examined the same, and report favorably, adopting the following House report:

This soldier enlisted January 16, 1864, in Company D, Thirty-third Regiment Iowa Volunteers, and was mustered out with his company August 15, 1865. In 1870 he applied for a pension, alleging disability from lung disease; that in March, 1864, at Little Rock, Ark., he was attacked with lung fever from exposure while in service, which seriously affected his lungs, and from which he never recovered. The Adjutant-General's report shows that he was left sick at Little Rock March 23, 1864. The Surgeon-General's report shows that he was admitted to general hospital at Little Rock March 22, 1864, for treatment for "pleuro-pneumonia," and returned to duty April 11, 1864.

Riley Jessup, late captain of Company D, in affidavit made September 23, 1870, states:

"At Little Rock, March, 1864, while in line of duty, claimant was attacked by lung fever, brought on by exposure in the service; said disease affected his lungs, and that they continued affected until discharge; that his lungs were not affected at the time of enlistment or prior to said attack of lung fever; that claimant was of good habits while in the service, and, in affiant's opinion, the disease was the result of unavoidable exposure."

Dr. D. A. Hoffman states:

"Claimant was examined by me before he enlisted, for the purpose of ascertaining whether he was a sound man phyiscally. That at that time he was not affected with any disease of the lungs. On his return from the service, immediately after his discharge, I treated him for disease of the lungs, which was the result of acute inflammation of the lungs, contracted while he was in service. I have treated him for the said disease at various times since September, 1865, to the present time (December, 1870), and that his disease still continues."

The testimony is ample and undisputed that his disease has continued ever since, except that Dr. Huntsman, of Oskaloosa, the examining surgeon, said in 1872 that he found no disease of the lungs. A few months later another examining surgeon says:

"I find upon examination that the applicant has a deep hollow cough, expectorating purulent and muco-purulent matter, night sweats, and emaciation; auscultation shows in the upper portion of the left lung cavernous râle; respiration and voice amphoric; dullness on percussion over the whole left lung; the lower portion very dull, and cannot ascertain that air passes into that portion of it. He is physically unable to perform manual labor.

A few months later Dr. W. S. Orr, examining surgeon at Ottumwa, reports him totally incapacitated from obtaining a sustenance by manual labor, and says the disability is probably permanent.

It would seem as though nothing was wanting to establish a case in the Pension Department, but two special examiners were sent out and a mass of contradictory evidence was submitted, and the case was finally rejected on the ground that claimant's lungs were affected when he went into service. If the evidence submitted by the special examiners proves anything it proves that the soldier was a weak man, physically unfit for the service when he was accepted; that he was a hale, hearty

man after his discharge, working at heavy work in a stone-quarry and receiving full wages; that he was before enlistment a sound, rugged young man of excellent habits, and at the same time a confirmed drunkard; that he had a severe consumptive cough, and by other witnesses equally reliable it is proven that he "never had the least symptoms of anything being the matter with his lungs prior to his going into the Army; that he was frequently employed to chop wood and split rails, and was noted as a first-rate wood-chopper." The Commissioner of Pensions in 1878 was evidently bewildered by this mass of contradictory evidence, for in a letter to claimant's agent he says:

"The invalid pension claim No. 162081, of Samuel Hanson, was rejected September 16, 1875, upon competent evidence (medical and lay) elicited by special examinations showing that the alleged disease was not due to the service; in other words, that his lungs were diseased at the time he enlisted, and that the principal cause of his disability was due to an attack of lung fever since his discharge. It is proper to add that an examination made March 2, 1872, fails to discover any disease of the lungs."

This is certainly being equal to the occasion. The disability existed before enlistment, the disability was caused by lung fever after enlistment, and, finally, the disability never existed at all.

The simple facts seem to be that some two months after enlistment the soldier had an acute attack of lung fever, from which he has never recovered, and that he is now totally incapacitated from peforming manual labor. By the passage of this bill his few remaining years will be made comparatively comfortable. He loses the twenty years of arrears to which he seems to have been as clearly entitled as his more fortunate comrades who received them.

Believing that simple justice requires that the Government should care for this soldier, your committee recommend the passage of t bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 687.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4101.]

The Committee on Pensions, to whom was referred the bill (H. R. 4101) granting a pension to Martha A. Silkey, have examined the same, and report favorably, adopting the following House report:

We find that Martha A. Silkey is the widow of William Silkey, private of Company B, Sixty-fifth Regiment, Missouri Enrolled Militia. Briefly stated, the evidence is as follows: This soldier was captured, with his company, October 17, 1864, by a portion of the command under the rebel General Sterling Price, and while a prisoner was shot, as it was claimed, in retaliation for the killing of two rebel soldiers by a squad of the same command to which Silkey belonged. His widow filed a claim for pension July 6, 1869. As the soldier belonged to one of the classes of organizations specified in the third paragraph of section 4693, Revised Statutes, the claim was not valid unless prosecuted to a successful issue prior to July 4, 1874. This was not entirely done, though the material portion of the evidence was filed before 1871.

It would seem that there can be no question as to the duty of Congress in this case, and your committee therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 688.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4580.]

The Committee on Pensions, to whom was referred the bill (H. R. 4580) granting a pension to William Taylor, have examined the same, and report favorably, adopting the following House report:

We find that claimant was a member of Company B, First Nebraska Militia; enlisted August 13, 1864, and discharged February 13, 1865. This organization was under the command of an officer of the United States Volunteers, and co-operated with the United States forces, and was paid by the General Government. He filed his application, alleging that at Grand Island, Nebr., about November 30, 1864, he was injured by his horse falling on him, dislocating his shoulder. The case seems to have been fully proven in the Pension Office, but was finally rejected on the ground that it was barred by paragraph 3, section 4693, Revised Statutes. The captain of the company and the regimental surgeon testify as to the facts in the case. A physician who treated him at discharge, and for years after, testifies that his injury was permanent and incurable. Neighbors testify to its continuance, and the examining board at Omaha report October, 1882, that he is half totally disabled. The only point in the case seems to be that he was a militiaman. The general rule, in Congress, has been to grant pensions to militiamen when wounded or injured in line of duty when their organization was under the command of a United States Army officer. This is shown to be the fact in this case.

Your committee recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 689.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4813.]

The Committee on Pensions, to whom was referred the bill (H. R. 4813) granting a pension to Perry Johnson, have examined the same, and report favorably, adopting the following House report:

That Perry Johnson, late a private of Company C, Third Iowa Cavalry Volunteers, is now on the pension-roll at the rate of $50 per month, for total and permanent helplessness, the result of gunshot wound in the left side, received at Pea Ridge, Ark., March 5, 1862. This rate of $50 per month was granted him March 1, 1881. He has since filed two applications asking an increase to $72 per month, both of which have been rejected on the ground that "he is now drawing the highest rate to which he is entitled by law."

The act of June 16, 1880, increasing the pensions of those "utterly helpless" from $50 to $72 per month, was by its terms made applicable only to those persons *then* on the roll at $50. Therefore those who might be placed on the roll at that rate after that date could not receive the benefits thereof, no matter how serious their disability nor how deplorable their condition.

As to present condition of claimant, the proof is abundant and conclusive of his utter helplessness, continual suffering, and requiring the constant attention of another person; is confined to his bed all the time; cannot turn in bed without help; has to take morphine constantly to allay pain; still carries ball in his body.

The last medical examination ordered by the Commissioner of Pensions, April 5, 1885, says:

"Ball entered about near anterior superior spinous process of ilium on left side, taking its course backwards and downwards, leaving a well defined cicatrix as big as a dime-piece, with a dark-red discoloration of several inches around cicatrix; cicatrix very tender and discharging constantly thick pus. There is a hard and very tender tumor extending from cicatrix of point of entrance along iliac region, and partly down over thigh, supposed to contain pus. Left testicle drawn up and tender. Anasarca of bowels. There is a cicatrix on inside of thigh about at junction of middle and upper one-third, also freely discharging pus, seemingly a sinus in connection with abscess above. There is a third cicatrix on back, about 2 inches to left of spinal column, near junction of lumbar and dorsal vertebra, constantly discharging. Contraction and adhesion of muscles about cicatrices in back and thigh. Tenderness over whole spinal column. Very emaciated. Left knee hypertrophied, partly anchylosed, tender, painful, and stiff. Right lung hepatized and entirely useless; left lung incipient hepatization; throat inflamed and ulcerated; difficulty about lungs superinduced likely by septæmia from extensive suppuration. This man has no prospect of recovery, and needs the attendance of another person constantly."

Your committee can see no good reason why this unfortunate man should not receive the same allowance as his brothers in like condition who happened to be on the pension-roll at $50 on June 16, 1880. We therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 690.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 715.]

The Committee on Pensions, to whom was referred the bill (H. R. 715) granting a pension to Tunis J. Roosa, have examined the same, and report favorably, adopting the following House report:

Claimant enlisted March 29, 1864, in Company H, Seventh Iowa Volunteers, being at that time only sixteen years of age. He was discharged May 17, 1866. In 1884 he applied for a pension, alleging disease of the eyes, which was rejected on the ground that the resulting blindness was caused by disease contracted since discharge. The evidence is conclusive that he contracted disease of the eyes while in the service. The records show that he was confined in quarantine hospital sick with small-pox in March and April, 1864. Dr. Nathan Hughes testifies that in the summer and autumn of 1864 he treated claimant for acute inflammation of the eyes; also treated him for same both before and after that date; that claimant's eye-sight is now lost beyond recovery, and that he is satisfied the present condition is a natural sequence of his condition while in the Army.

Capt. Curtis Clark testifies as to claimant's suffering with small-pox, and that he returned to company with sore eyes, and that they continued so until his discharge in 1866. Dr. Jeremiah Sabin testifies to treating him for sore eyes in 1864, while affiant was in charge of hospital, and at different times afterwards for many years. There seems to be no question that his eyes continued weak and that he finally became blind. The medical examiner in the Pension Office, in reviewing the case, says:

"He undoubtedly contracted some disease of eyes in service which probably existed at discharge, and subsequent thereto, but the then existing disease would not have resulted in blindness had not some acute or specific disease been afterwards incurred."

May it not be equally true that the "subsequent disease" would not have caused total blindness had the eyes not been injured and weakened by the disease contracted in the service? The special examiner who investigated the case reports claimant totally blind, with a wife, five children, and an aged father and mother dependent upon him. The Pension Department could not properly grant the pension, because it has not been clearly shown that the present disability is the result of disease incurred in the service. It is reasonable to presume that his present condition is at least partially the result of the disease contracted in the Army. It would hardly seem just to place this soldier on an equal footing with those who have clearly shown that they lost their sight in the defense of their country. It certainly is a great injustice to refuse him all relief because he cannot show that the disability contracted in the Army is the sole cause of his present deplorable condition.

Your committee therefore recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 691.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H R. 4410.]

The Committee on Pensions, to whom was referred the bill (H. R. 4410) for relief of John C. Clark, have examined the same, and report favorably, adopting the following House report:

This bill asks that John C. Clark be allowed arrears of pension from January 1, 1863, to July 1, 1882, at the rate of $4 per month, that being the rate of pension allowed him by the Pension Department, commencing at the date last named. In support of this he claims that on or about the 20th of June, 1880, he made out an application in proper form, which was duly witnessed and attested, and placed it in the United States mail; that afterwards he received the usual circular letter from the Commissioner of Pensions, acknowledging the receipt of the application and giving the number under which it had been entered in the Pension Department, but that he has since lost that letter; that afterwards, upon making inquiry, he was informed that no application for pension from him was on file, and he accordingly made a new one. Claimant shows that A. W. Hoyt made application at the same time and received a similar letter, a copy of which is hereto given. Affidavits of A. W. Hoyt, J. W. White, and claimant are as follows, the credibility of the witnesses being strongly vouched for by Hon. S. R. Peters, a member of this House:

Affidavit of J. C. Clark.

STATE OF KANSAS, *County of Rice, ss:*

J. C. Clark, being first duly sworn according to law, says that he is thirty-nine years of age, and resides in Lyons, Kans.; that in the month of June, 1880, he made his application for a pension; that as early as the 20th day of said June, 1880, and possibly several days earlier, J. W. White, the attorney who prepared said application, informed affiant that said application had been duly mailed to the Pension Department at Washington, and affiant further says that some two or three months after making such application, and in about the month of September, 1880, he received a letter from the Hon. J. A. Bently acknowledging the receipt of said application, said letter being quite similar in form to the one attached by A. W. Hoyt to his affidavit made this day in relation to this matter. And affiant further says that he remembers clearly of a conversation with the said Hoyt at about the time of receiving said letter, in which affiant remarked and stated to the said Hoyt that said letter was received, and in said conversation it was stated that both of said applications were evidently received in due time, and it was also stated that the Department had been a long while in acknowledging receipt, and which was talked over as probably being on account of the Department being somewhat behind in its work. And affiant further says that said letter so received from the Department has in some manner been lost and cannot be found, though diligent search has been made. That at the time of making said application affiant was in business in Lyons, and that in 1881 he moved to Missouri, and went into business there, and afterwards returned to Lyons, and that it is his belief that said letter was lost during such moving, or was thrown into the waste basket by some of the clerks or the book-keeper as being of no value.

J. C. CLARK.

Subscribed and sworn to before me this 20th day of May, 1884, and I hereby certify that said Clark is a man of respectability, a man of truth and veracity, and is entitled to full faith and credit in each every statement by him as aforesaid made, and that I have no interest, either direct or indirect, in this claim or application or in its results.

S. J. SMITH,
Clerk District Court, Rice County, Kansas.

Affidavit of J. W. White.

STATE OF KANSAS, *County of Rice, ss:*

J. W. White, being first duly sworn according to law, says that he resides in Lyons, Kans., and is a lawyer by profession. That he remembers of his own personal knowledge that in the month of June, 1880, as attorney for Jno. C. Clark, who was a private in Company A, Thirtieth Illinois Infantry, that he made out an application for a pension for the said Clark, and prepared other papers by way of affidavits in blank for certain witnesses to fill up and execute; and affiant says that about the same time he was also acting as attorney for one A. W. Hoyt in aiding him in securing a pension, and that he prepared papers at about the same time for the said Hoyt. And affiant further says that not later than the 18th or 20th of June, 1880, and possibly a week earlier, he placed in the post-office at Lyons, Rice County, Kansas, two envelopes, duly addressed to the Pension Department, at Washington, D. C., postage prepaid, and that one of said envelopes contained the application of the said A. W. Hoyt, with perhaps some other papers in relation thereto in the way of affidavits, and a letter addressed to the Commissioner of Pensions, and that the other envelope contained the application and affidavit of the said J. C. Clark, made out in due form and duly signed by the necessary witnesses and by them duly sworn to the contents thereof, and together with said application of the said Clark, was a letter addressed to the Commissioner of Pensions in relation to said application. Both of said letters were so mailed on the same day, and affiant remembers that at the time of the making out of said applications, and on the very day they were so mailed, the question of the law being about to expire at an early day was talked over, and it was then stated that said letters had more than ample time to reach Washington before the first of July, 1880; and affiant says that it was at least ten days or two weeks before the expiration of the arrears-of-pension act. Since making affidavit some two months ago concerning this matter, affiant says that he has refreshed his memory by examining papers and letters, and from such can state positively in relation to the time of said mailing of said letters.

Affiant further says that some six weeks or two months after the mailing of said application as stated, he received a letter from the Commissioner of Pensions acknowledging the receipt of the said Hoyt's application, and in about two weeks after receiving such letter as to the said Hoyt's application being duly received this affiant also received a similar letter acknowledging the receipt by the Commissioner of Pensions of the said Clark's application. Said letter was not preserved for the reason that affiant did not consider at the time that it would ever be of any service, supposing said application had been duly received in ample time, and was properly filed and a record made thereof. And affiant further says that he knows, of his knowledge, that the said Clark also received a similar letter from the Pension Department about the same time that affiant received the one mentioned, he, the said Clark, having shown such letter to affiant in conversation at about that time. Said pension claim was not prosecuted to a final determination during that year of 1880 or 1881, for the reason that a very important witness could not be found or his address discovered. That in 1882 the said Clark removed to Missouri, and as affiant is informed, he, the said Clark, through the advice of counsel, made another application, and not until the fall of 1883 was this affiant ever informed that no record could be found in the Pension Department of said original application so made, in June, 1880; and this affiant further says that he has no interest either in the result of this claim or application of the said Clark further than an ordinary attorney in seeing that justice be done an old soldier, and that he has not made any charge for what he has done, and expects no remuneration.

J. W. WHITE.

Subscribed and sworn to before me this 20th day of May, 1884; and I hereby certify that the said J. W. White is a respectable citizen, and is a man of truth and veracity, and is entitled to full faith, confidence, and credit upon each and every allegation contained in the foregoing affidavit.

S. J. SMITH,
Clerk District Court, Rice County, Kansas.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
August 29, 1880.

SIR: The claim of A. W. Hoyt, of Company M, Eighth New York Heavy Artillery, No. 378269, for pension, has been received, and will be examined in its order, and the result communicated to you. In any communication you may find it necessary to ad-

dress to the office relative to this or any other claim, please indorse on each piece of evidence the full name and service of the soldier and the number and character (whether invalid, increase, &c.) of the claim.

Very respectfully,

J. A. BENTLEY,
Commissioner.

Affidavit of A. W. Hoyt.

STATE OF KANSAS, *County of Rice, ss:*

A. W. Hoyt, being first duly sworn according to law, says that he is fifty-two years of age; resides in Lyons, Kans., and has so resided for over six years, and by occupation at present a dealer in agricultural implements. And affiant further says that he is well acquainted with J. C. Clark, and has been so acquainted with him for six years last past; that he knows of his own personal knowledge that the said J. C. Clark, in the month of June, 1880, made his application for pension, this affiant having seen the said Clark's affidavit and application and read the same. And affiant further says that he was sergeant in Company M, Eighth United States Heavy Artillery, and that in said month of June, 1880, this affiant also made application for a pension, and that his said application was prepared by J. W. White, attorney, at Lyons, he being the same attorney who prepared the application of the said J. C Clark; and affiant says that of his own personal knowledge he knows that the said White, on a day not later than the 20th day of June, 1880, and possibly some days earlier, left his office professing to go to the post-office for the purpose of mailing affiant's application, together with that of the said J. C. Clark. And affiant says that he has good reason to believe, and does believe, that both of said applications were on said day duly addressed and placed in the post-office at Lyons by the said White. Affiant further says that his application, which was and is No. 378269, was duly received by the Pension Department, and that he has received his pension thereon, the certificate being No. 244014. And affiant further says that since making an affidavit some two months ago in relation to this matter, he has examined his letters and papers received from the Pension Department, and refreshed his memory in relation to said date of mailing of said application, and that he is well satisfied that said applications were mailed as early as stated herein, and that he remembers of a conversation had by and between himself and the said Clark and White, in which it was talked over and stated at about the time of mailing said applications that they were mailed in ample time to reach the Department, and several days to allow for any possible delays in the mails, barring uncontrollable casualties and accidents.

And affiant further says that in the month of August, 1880, he received a letter from the Hon. J. A. Bentley, Commissioner, acknowledging receipt of affiant's application, and which letter was the first communication received in relation thereto. That about two weeks after the receipt of said letter, and which is hereto attached and made a part hereof, he, this affiant, had a conversation in the city of Lyons with the said Clark, in which he, Clark, said he had just received a similar letter acknowledging receipt of his application by the said Bently, and the said Clark then and there held in his hand an envelope showing on its face that it was from the Pension Office, and appeared to contain a letter, but which letter affiant did not read, and it was then and there stated by and between affiant and said Clark that both of their applications had evidently been received in proper time for due consideration by the Department. And affiant further says that he has no interest, either direct or indirect, in the result of the said Clark's application.

A. W. HOYT.

Subscribed and sworn to before me this 20th day of May, 1884; and I hereby certify that the said A. W. Hoyt is a man of respectability, and entitled to full credit and belief as to each and every statement contained in the foregoing affidavit, and that I have no interest, either direct or indirect, in the result of said Clark's application or claim.

S. J. SMITH,
Clerk District Court, Rice County, Kansas.

The evidence seems conclusive. Cases have occasionally occurred where applications have been lost or mislaid in the Department, and your committee recommend the passage of the following substitute:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to readjudicate the pension claim of John C. Clark, a private in Company A, Thirtieth Regiment of Illinois Volunteers, as though the application under which said pension was granted had been filed on the 20th of June, 1880.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 692.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2179.]

The Committee on Pensions, to whom was referred the bill (H. R. 2179) granting a pension to Henry Barr, have examined the same, and report favorably, adopting the accompanying House report.

Henry Barr is the father of Jacob Barr, late of Company A, One hundred and third Regiment Pennsylvania Volunteers.

By act of Congress, Susannah Barr, mother of Jacob Barr, drew a pension of $8 per month from July 5, 1884, to April 25, 1885, which is the date of her death, and it is now proposed by this bill to continue her pension to her husband, Henry Barr.

As the report submitted by the Committee on Invalid Pensions to the Forty-eighth Congress embodies the facts connected with this present claimant, your committee adopt it as their own, attach it hereto, and recommend the passage of the bill with the following amendment: Strike out all after the word "volunteer," in line 8.

[House Report No. 1599, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5821) granting a pension to Mrs. Susannah Barr, respectfully report:

That Susannah Barr is the mother of Samuel Barr, who enlisted in the military service of the United States as a private in Company G, One hundred and third regiment Pennsylvania Volunteers, December 1, 1861, and died in the military prison at Andersonville, Ga., July 8, 1864; also of Jacob Barr, who died of wounds received in the service of the United States in hospital in Philadelphia, Pa.

This claim was rejected by the Pension Office May 3, 1882, on the ground that claimant was not dependent at the date of soldiers' deaths.

It appears from the testimony of Dr. Ross, United States examining surgeon, of Clarion County, Pennsylvania, that the husband of claimant is a feeble old man, over 74 years of age, and is suffering from a stroke of palsy of the left side, and has no use of the left arm and but little use of the left leg; walks with difficulty, and is disqualified from the performance of any kind of manual labor.

Dr. Samuel D. Meals testifies, February 2, 1881:

"That he has been claimant's family physician since 1863, and especially since 1864; that the husband was not able to follow usual occupation as a farmer at that time; that in the years 1866, 1867, 1868, 1869, 1870, and every year since to the present time, he has noticed him failing, and July 11, 1876, he had a stroke of paralysis, since which he has not been able to perform any labor."

It appears from the evidence in this case that claimant's husband was the owner of a farm in Perry Township, Clarion County, Pennsylvania, which he sold in 1864,

though the deed was not recorded until 1866, for $6,234, and that September 29, 1865, he purchased three acres of land in Callensburg, in same county and State, paying therefor $900. He owned no farm after the purchase of the property in Callensburg. The house and lot was assessed at $325 up to 1880. The property owned in Callensburg is shown by a copy of the notice of sale to have been sold on execution to satisfy judgments against husband of claimant and other parties. The personal property of claimant's husband is shown to have never exceeded $300, and the proceeds of the sale of the farm, in 1864, was exhausted in the payment of debts; the deceased soldier contributed of his earnings prior to and during his military service to the support of this claimant, who is now entirely without means of support, and has been since the death of the soldier.

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H CONGRESS, } SENATE. { REPORT
st Session. } { No. 693.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4579.]

he Committee on Pensions, to whom was referred the bill (H. R. 4579) ıting an increase of pension to Thomas S. Owens, have examined the e, and report favorably, adopting the following House report:

› find that claimant enlisted in Company A, First Nebraska Cavalry, November 362, and was discharged July 1, 1866. He applied for a pension January 23, 1880, ing chronic diarrhea, and resulting epileptic fits, heart palpitation, and indiges- This was allowed for chronic diarrhea, but the other diseases stated were not tted as results of chronic diarrhea. There seems to have been a difference of on in the board of medical referees on this question. Dr. T. B. Hood says: claim that the irritation of the mucous membrane of the bowels from chronic hea would be a good and sufficient cause to produce the epileptic convulsions the resulting functional disease of heart and indigestion."

e claimant is unable to work and is penniless, being helped by the county to sup- ıis wife and five children. He served nearly four years, and when good medical au- ty holds that the diseases for which he claims pensions can properly be said to ıe result of the disease admitted to have been contracted in the service, it would that the soldier ought to have the benefit of the doubt.

ur committee recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 694.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1361.]

The Committee on Pensions, to whom was referred the bill (H. R. 1361) granting a pension to Nira D. Gwynne, have examined the same, and report favorably, adopting the following House report:

We find that claimant is the widow of Nat. M. Gwynne, who enlisted May 10, 1864, in Company H, Thirteenth Regiment Ohio Volunteer Cavalry, and was honorably discharged March 21, 1865; that in the assault on Petersburg, Va., his left arm was so badly shattered that an immediate amputation was necessary. He also received a wound at the same time in his knee. For this he received a pension until his death, January 6, 1883. His widow filed her application for a pension, alleging that he died from the effects of nervous prostration, as a result of these wounds. She is unable to show that the wounds were the direct and immediate cause of his death, and consequently cannot receive a pension through the Department. The evidence is very strong that the soldier's death was the result of his injuries received in the service.

Dr. Joshua Thorne testifies:

"I was consulted professionally by Nathaniel L. M. Gwynne about ten years ago, and on several occasions afterwards up to about three days before his death, in January, 1883. When I first saw him I found extreme hyperesthesia of the left shoulder and of the cervical spine, with severe pains in the shoulder, neck, and head. I found that the aforesaid pains proceeded from disease of the nerves of the arm, and resulted from the gunshot wound for which the arm had been amputated. I found neural sclerosis in the median and in the ulnar, and my opinion was that it was a case of neural sclerosis which had involved the brainial plexus, the cervical spine, and the brain. In subsequent examinations I found the brain to be so involved as to produce frequent attacks of mania, and for some time before death severe neuralgia of the pneumogastric nerves was found. About three days before death I saw the patient and found pains in the brainial plexus, in spine, and head, cramps in stomach, and partial mania. I never saw him after."

Dr. Robert L. Wood, one of the most learned and able physicians of Missouri, says:

"I did not treat Mr. Gwynne for his malady at any time, and I can only speak of his condition as a personal associate. His arm was amputated about 3 inches below the shoulder-joint, if I am not mistaken. The injury, which necessitated the amputation of the arm, was so severe that it shattered the bone terribly. The plexus of nerves supplying the arm was literally torn to pieces. In consequence of the fracture it was next to impossible to obtain a healthy stump. The end of the arm-bone (humerus) was necrosed. As a result of the serious injury of the nerves to the arm, the shoulder wasted away, the shoulder-blade and end of the collar-bone standing out very prominently (muscular atrophy). The stump of the amputated arm was quite often in a state of suppuration. Mr. Gwynne also received a wound in the knee. This knee constantly suppurated. Beyond a questionable doubt, the diseased arm-stump and the necrosed knee were the causes, direct and indirect, of his death."

In a letter to the committee Maj. William Warner, a member of this House, speaks of the distinguished services of the soldier as follows:

"Permit me to state that for many years I was intimately acquainted with Mr. Gwynne. He lost his arm at Petersburg, July 30, 1864; at the same time he received a gunshot wound in the knee. For two years before his death I was, through business connected with the Grand Army of the Republic, in company with the deceased

nearly every day. He was a great sufferer from his wounds, that in the knee being a running sore. Time and time again he has told me of his sufferings from these wounds. His nervous system was broken down, so much so that at times he had no more control over himself than a child. He often said to me that he knew his injuries would cause his death, yet if he had his life to live over again, if his country needed his services he would cheerfully give them, even with the absolute knowledge that he would be thus mangled. This I believe, for no braver man than Gwynne ever entered the Army. As a beardless soldier boy, on July 30, 1864, he daringly rescued the flag of his country from the very jaws of the enemy's guns; in returning with it to his regiment his arm was almost torn from its shoulder, but he held on to the flag, returning it to the Union line baptized with his blood. For his heroic conduct on that day he received one of the few gold medals which Congress ordered to be presented for distinguished bravery on the battle-field. I do not entertain a doubt that but for his wounds he would have been alive and well to-day. He has left a wife and one child, a boy, in destitute circumstances; let them realize the fact that the country remembers one of its bravest defenders in providing for his widow and orphan."

It seems reasonable to assume that his death was the direct result of his military service. Believing it to be the duty of the Government to provide for this widow and her helpless child, your committee recommend the passage of the bill, with an amendment striking out all after the word "cavalry" in line 6 and inserting "subject to the conditions and limitations of the pension laws."

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 695.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6125.]

The Committee on Pensions, to whom was referred the bill (H. R. 6125) granting a pension to W. C. Davis, have examined the same, and report favorably, adopting the House report, as follows:

The papers in this case show that claimant enlisted September 25, 1861, in Company I, First West Virginia Cavalry, and was discharged July 8, 1865. July 29, 1865, he applied for a pension, alleging injury received in a railroad accident February 5, 1864, while on veteran furlough. In 1871 the claim was rejected on the ground that being on a veteran furlough he was not in line of duty. Subsequently by the enactment of section 4700, Revised Statutes, soldiers on veteran furlough were declared to be in line of duty while with their organizations. The Pension Office then ruled that he was not with his organization, and therefore not entitled to a pension.

The facts of the case are, that this soldier, having re-enlisted, received a veteran furlough, and an order from Capt. J. G. Farnsworth, assistant quartermaster, on the Cleveland and Pittsburgh Railroad for transportation. The following is a copy of the original order now on file in the Pension Department:

ASSISTANT QUARTERMASTER'S OFFICE,
Wheeling, W. Va., February 4, 1864.

To the Cleveland and Pittsburgh Railroad:

Please furnish transportation to W. C. Davis, Company I, First West Virginia Cavalry, from Bridgeport, Ohio, to Steubenville, Ohio, and for W. C. Davis from Steubenville, Ohio, to Bridgeport, Ohio, for which payment will be made by the undersigned.

J. G. FARNSWORTH,
Captain and Assistant Quartermaster.

While traveling under this pass the accident occurred by which he was injured. The captain of his company testifies to the injury, and the records of the War Department also show, "Injured in a railway accident on his way home on furlough; date and place not stated." The report of the examining board, made May 17, 1882, shows him three-fourths disabled. As your committee interpret the ruling of the Department, the soldier was in line of duty just as long as his comrades traveled with him on the cars, but the moment they separated to go to their respective homes they ceased to be in line of duty. The veteran furlough was one of the considerations offered to the old soldiers to induce them to re-enlist, and it would be utterly useless to them if they were to remain together and not to separate to go to their homes. It would seem to be a more reasonable construction to put on that section to construe it as meaning when the organization was on veteran furlough.

Your committee regard this as an unjust discrimination against the soldier, and therefore recommend the passage of the bill.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 696.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4992.]

The Committee on Pensions, to whom was referred the bill (H. R. 4992) restoring Leander C. Twitchell to the pension-roll, have examined the same and report favorably, adopting the House report, as follows:

[House Report No. 747, Forty-ninth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4992) restoring Leander C. Twitchell to the pension-roll, submit the following report:

We find that claimant enlisted November 21, 1861, in Company B, Tenth Regiment Missouri Volunteers; was afterwards transferred to Company E, Twenty-fourth Missouri, and later to Company K, Twenty-sixth Missouri, Volunteers. He was discharged June 14, 1865, and made application for a pension in May, 1869, alleging that he contracted scurvy, chronic diarrhea, and disease of the eyes while confined in Andersonville prison. The pension was allowed in the Department June, 1870. March, 1881, the pension was suspended on the ground that claimant had weak eyes when he enlisted. Some seven or eight witnesses testified before a special examiner in February, 1881, that they knew claimant intimately before he enlisted, and that he had sore eyes. Upon this evidence, without giving claimant any hearing or opportunity to submit rebutting evidence, the pension was suspended. Afterwards, on an application for restoration, he submitted the affidavits of his family physician at time of enlistment, his lieutenant, and three comrades, that his eyes were sound at enlistment.

This is a remarkable case. This man was regularly enlisted, served nearly three years, when he was captured by the enemy and confined for six and one-half months in the Andersonville prison, and yet during all that term of service there is not a particle of evidence that your committee can discover that claimant's eyes were any way affected in service or that they caused him the loss of a single day from duty. In 1869 his family physician testified that his eyes were sound at enlistment. In 1881, twenty years after he enlisted, some half dozen neighbors say his eyes were weak and sore before enlistment. It is established by record and parole evidence that after serving three years in the Army he was six and one-half months confined in Andersonville prison; that he there had chronic diarrhea, scurvy, and weak eyes; that the disability has continued ever since, gradually growing worse, until he is now blind. Admitting that his eyes had been weak and sore prior to enlistment, the assumption that his blindness was the result of, and was caused by, that weakness, in the face of his military record, outrages every sense of justice.

Your committee recommend the passage of the bill.

It is the intent of the committee to restore this pensioner to the roll from the date his name was dropped therefrom, and believing the bill as passed by the House will have that effect, recommend the same.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 697.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1345.]

The Committee on Pensions, to whom was referred the bill (H. R. 1345) granting a pension to Nathaniel H. Blakely, have examined the same, and report favorably, adopting the following House report:

Nathaniel H. Blakely was a private in Company H, Third Regiment Missouri Mounted Volunteers, in the war with Mexico. He was enlisted April 27, 1847, and mustered out with his company October 19, 1848, at Independence, Mo. The rolls of the company from September 1, 1847, to August 31, 1848, are not on file in the office of the Adjutant-General. Mr. Blakely alleges in his affidavit, that at Taos, N. Mex., in the winter of 1847 or 1848 (he is not certain as to the year), he lost the sight of his left eye from exposure on guard duty before he had fully recovered from an attack of the mumps. He further states that he was treated in the hospital at Taos, N. Mex., by Dr. Maxwell, and remained under his treatment three or four weeks. His eye was sound before the attack which sent him to the hospital. Since that attack, and in consequence thereof, he has totally lost the sight of his left eye.

James A. Robertson and G. D. Sego, both residents of Worth County, Missouri, testify that they knew Nathaniel H. Blakely, and that the loss of his left eye was caused by exposure while in the line of duty at or near Taos, N. Mex., in the winter of 1847 or 1848. These affiants further state that—

"They knew the said soldier before he enlisted, at the time he enlisted, and were with him during the time he was in service; and saw said soldier while he was disabled with the mumps, and know that he was placed on guard duty before he was fully recovered from the mumps, which caused him to take a severe cold, which caused his jaw to swell up and inflame, which settled in his left eye, causing the loss of his sight."

They also state that at the time of enlistment and prior to the attack of mumps claimant was in sound health and free from disease, and that the sight of the left eye was perfect. Claimant states under oath that he has no knowledge of the whereabouts of either one of his commissioned officers or the surgeon who treated him. He does not know whether they are living or dead.

William Prewett and Jesse Creekmore, who have known claimant since 1839, make oath as to his loyalty during the late civil war.

Hon. A. M. Dockery states that he has known claimant for fifteen years, and knows him to be honest, honorable, and reliable.

In view of was these facts your committee recommend that the bill do pass.

TH CONGRESS, } SENATE. { REPORT
1st Session. } { No. 698.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

:. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1348.]

The Committee on Pensions, to whom was referred the bill (H. R. 1348) : the relief of Pernetta Hendley, have examined the same, and report vorably, adopting the House report, as follows:

That Pernetta Hendley, for whose relief this bill was introduced, is the widow of pt. Israel Hendley, who was killed at Moroe, Mexico, was dropped from the pension-ls on account of having made clothing and tents for the rebel army during the late r.

Your committee recommend the passage of the bill with the amendment proposed, to t, by striking out all after the word "forty-seven," in line 8 to the end of section 1.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D., C., January 27, 1886.

MADAM: In response to the personal inquiry of Hon. A. M. Dockery, relative to your aim, I have to state that the case was carefully examined and your name dropped om the rolls for the reason that "the making of clothing and tents, by you, for sol-ers of the Confederate army" was an act of disloyalty to the United States, within e meaning of section 4716, Revised Statutes.

The action of this office was affirmed by the Hon. Secretary of the Interior, upon peal, December 6, 1873.

Very respectfully,

JOHN C. BLACK,
Commissioner.

MRS. PERNETTA HENDLEY,
Nebraska City, Nebr.

9TH CONGRESS, 1st Session. | SENATE. | REPORT No. 699.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4111.]

The Committee on Pensions, to whom was referred the bill (H. R. 4111) granting a pension to Minerva T. Thompson, have examined the same and report favorably, adopting the House report, as follows:

It appears from the record in this case that the soldier, Joseph Thompson, a private of Company D, Sixth Missouri Cavalry, enlisted March 21, 1864, and was discharged September 12, 1865, and died April 24, 1868. The claimant, his widow, filed an application for pension December 20, 1879, alleging the cause of soldier's death to be kidney disease, contracted in the service. This claim for pension was rejected on the ground that there is "no record evidence of the incurrence of the fatal disease in the service, and the claimant has stated that the soldier received no treatment therefor until a few days previous to his death."

The evidence shows the marriage of claimant to the soldier on September 20, 1862, and that she has not remarried since his death.

There is abundant testimony that the soldier prior to his enlistment was a man of "sound physical health," as expressed by Dr. A. Parkhurst, his family physician, who knew him for years before his enlistment, and who attended him in his last illness. Four neighbors, and who were comrades of Thompson during his service, corroborate Dr. Parkhurst, and give in detail their knowledge of the incurrence of the disease in the service. One of the witnesses, William Scaggs, testifies:

"Was with him almost all the time they were in service, and the first time he heard said Thompson complain of any disability was at Camp Gamble, in Saint Louis, Mo., in August, September, or October, 1864; that he was sick at that time and place with disease of the kidneys, and was confined to his tent during said sickness; was unfit for duty, and reported every day to, or was waited upon by, the physician who acted as regimental surgeon. The said soldier was out on scouting duty for several months prior to his sickness, and was greatly exposed to heat and cold while out on said scout. It was first discovered that the said Joseph Thompson was suffering from disease of the kidneys after his return to Camp Gamble from said scout."

* * * * * * *

"Thompson was sick with same disease in fall of 1864, at Warrenton, Mo., and Baton Rouge, La., in spring of 1865, and because of his sickness Thompson was detailed as cook until his discharge. Whenever the soldier was compelled to ride after his sickness at Camp Gamble he always complained of a hurting or misery in the small of his back and always complained of his belt hurting him, and would hang his saber and revolver on the horn of his saddle. Witness lived a near neighbor to the soldier after his discharge, and he complained nearly all the time of a hurting or misery in the small of his back up to the date of his death. He was with Thompson on the night he died, and from what the physicians said and from his own knowledge of the case he knows the soldier died of disease of the kidneys. A short time before Thompson's death he assisted in relieving him of a large quantity of urine."

Everet Gardner, another of these comrades, says he frequently stood guard for Thompson on account of the hurting or misery of his back:

"Thompson was unwilling to go to the hospitals because they were filled with small-pox patients. Finally said soldier turned over his saber and pistol to the clerk of the company, and was detailed on cooking duty until discharged. Witness met Thompson at Iron Mountain, Mo., on his return home from the Army, and found him com-

plaining of the hurting or misery in the small of his back and so feeble that he was compelled to haul him in a hack to his home in Saint François County, Missouri, which was about 15 miles distant. On the way he was compelled to stop several times because of Thompson's condition and give him rest. That he knew Thompson from the time of his discharge to the date of his death; and that he complained nearly all the time of the hurting or misery of his back; that he assisted twice in drawing water from said Thompson before he was discharged, and assisted frequently in doing the same after his return home up to within a day or two before he died."

The lack of record of medical treatment in the service is accounted for by the report from the War Department, which says:

"The regimental hospital records and company's morning reports are not on file."

It is a reasonable presumption that the soldier's death was the result of disease contracted in the service, and your committee recommend the passage of the bill, with an amendment striking out all after the word "volunteers," in line 8.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 700.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6130.]

The Committee on Pensions, to whom was referred the bill (H. R. 6130) granting a pension to Frank Manhart, have examined the same, and report favorably, adopting the House report, as follows:

Claimant enlisted October 1, 1861, in Company A, Second Missouri Artillery, and was discharged July, 1862, upon surgeon's certificate of disability. In 1875 he applied for a pension, which was rejected on the ground that disability existed prior to enlistment. The captain commanding the company, in his certificate, dated July 4, 1862, says:

"For the past two months he has been unfit for duty twenty days, and that he was suffering from an inflammation of the leg, which always got worse."

The surgeon, in his certificate, says he was suffering—

"From varicose veins in left leg very badly from the knee to the foot; he is unable to do any duty at present and in the future. From appearance, the disease existed since some years."

The same surgeon afterwards in an affidavit says some weeks prior to the beginning of 1862 he treated claimant for inflammation of the left leg, and upon recovery he was sent to duty. In June, while marching in the Southwest, he suffered and had to be sent to hospital. In an office letter the same surgeon says he did not know whether claimant's disability existed prior to enlistment; that in that regiment they had a great many disabled men, and that they discharged that summer those who were unfit for service, and that he gave many such decisions when it was his best belief that the soldier had the disease before enlistment—

"And by so doing I tried to protect the Government so they could not make a claim for a pension, and to save in this way the money for my country."

Claimant alleges that his disability was caused by having his leg frozen while standing guard in Saint Louis in February. Capt. M. Laux swears:

"I know, of my personal knowledge, that in January or February claimant, while in line of duty, standing guard, had his left leg frozen."

George Reinage and C. Weilmemter, two of his comrades, swear:

"We know, of our personal knowledge, that in January or February, 1862, claimant had his left leg frozen while standing guard at Saint Louis, Mo., for which injury he was discharged from said service in July, 1862."

The continuance of the disease is proven by Dr. W. A. Green and by neighbors. The examining surgeon at Macon, Mo., in 1877, reports him totally disabled, and says:

"I find extensive varicose veins from the knee to the toes of left limb, and varicose ulcers, as marked on the diagram."

After a careful review of the evidence your committee conclude that the reasonable inference is that the disability was due to the service, and therefore recommend the passage of the bill.

9TH CONGRESS, 1st Session. | SENATE. | REPORT No. 701.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4572.]

The Committee on Pensions, to whom was referred the bill (H. R. 572) granting a pension to Willis W. Fink, have examined the same, nd report favorably, adopting the House report, as follows:

[House Report No. 404, Forty-ninth Congress, first session.]

We find that claimant enlisted August 1, 1861, in, and was discharged September ', 1865, from, Company D, Forty-fourth Illinois Volunteers. That in 1879 he applied r a pension, alleging "that on the 24th day of June, 1864, at Marietta, Ga., while sisting to carry a log on top of the breastworks they were charged upon by the emy, causing the men to let go the log, and the heavy weight came on him, by hich he received a rupture of the left groin." This was rejected on the ground of record and no testimony of eye-witnesses showing when, where, and under what cumstances it occurred, &c.

Three comrades testify that claimant received an injury on the day and in the anner claimed by him. The regimental surgeon testifies that he examined him ne 27, 1864:

"That claimant came to him complaining of pain in his right groin, and said the in was aggravated by any exertion. Said he had felt the pain at the time and ice a heavy lift on a log that they were placing on the breastworks that day. I amined the groin and found a tumor, showing to me a disposition to hernia, and I t him off duty."

There is no evidence of medical treatment after service, but an abundance of lay stimony that the rupture existed in service and at time of discharge. The examing surgeon in 1881, and a board of examining surgeons in 1884, describe the hernia. e latter say:

"We find oblique inguinal hernia of right side, with opening that is difficult to rein with a truss."

The case seems a very strong one. The proof is not positive, for no one saw him a nude state the instant before the injury and immediately after, but there can be question that he was injured at the time he claims. He was then on his fourth ar in the service, and it is hardly supposable that he had suffered all that time om rupture without its being known in his company. That it existed at time of ischarge is admitted by the Department.

Your committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 702.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4824.]

The Committee on Pensions, to whom was referred the bill (H. R. 4824) granting an increase of pension to James Morgan, have examined the same and report favorably, adopting the following House report:

Claimant was a member of Company C, Fourteenth Regiment Illinois Volunteers, and received a dangerous wound at Pittsburgh Landing April 6, 1862. He also contracted chronic diarrhea in the service, for which disabilities he is now receiving a pension of $16 per month. The gunshot wound in the face destroyed the sight of one eye, the hearing of one ear, and seriously affected that side of his body. The examing board at Parsons, Kans., June 17, 1885, rated his disabilities at $20. As there is no such rating, the Pension Office declined to increase his pension. The examining board, at same place, in 1884, rated him at $24 per month. His condition is a deplorable one.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 703.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5259.]

The Committee on Pensions, to whom was referred the bill (H. R. 5259) granting a pension to William E. Hardy, have examined the same and report favorably, adopting the following House report:

This soldier enlisted at the commencement of the war, in April, 1861, and received his final discharge June, 1865. In June, 1883, he made application for a pension. May 9, 1884, the examiner submitted it to the board of review for admission. They called for more evidence, which was furnished, and the case was resubmitted December 23, 1885, and approved by the board of review. The board of review, however, held that the medical evidence was not sufficient, and in the absence of a hospital record more evidence was needed. This the claimant declares that he is unable to obtain; that he was on detached duty a large portion of the time, and while he frequently consulted the surgeons and was treated by them he cannot remember their names and does not know whether they made any record of it. Being detailed at headquarters he would naturally be brought in direct contact with surgeons who would prescribe for him without making the record they would do if he were in hospital. He claims for rheumatism, deafness, and kidney complaint.

Some twenty affidavits are filed from officers, comrades, and neighbors proving in the clearest manner that he contracted the diseases named, and that they have existed ever since.

Lieutenant Williams testifies that in getting fuel one night claimant slipped and fell across a T-rail, injuring his back, and causing him to pass blood in his urine.

Lieutenant Wainwright corroborates above, and testifies to great amounts of suffering and affliction from said causes.

Comrade W. H. Bartholomew testifies that claimant had a gathering in his ear; that after it broke he was exposed for nearly two weeks to cold rains, taking cold, and causing deafness. He also corroborates Lieutenant Williams's testimony as to the injury by the fall, and adds, "When we were mustered out he appeared broken down in health, and was suffering from trouble of the kidneys."

Comrade Lucius H. Emmons corroborates above as to deafness and injury to back.

Col. William Greene says he has known claimant for twenty-five years; served near him, and saw him often in the service, and that he lost the hearing of one ear from the effects of a gathering in his head.

Comrade D. C. Adams testifies that he had a serious difficulty of the back, and was quite deaf, and often took medicine from April, 1864, to June, 1865.

L. H. Emmons and C. B. Williams testify that when he came out of the Army he was suffering with rheumatism, deafness, and kidney trouble; that he had several acute attacks, passing bloody urine.

Doctors Fahnestock and Byers testify to treatment since 1877 for kidney and bladder trouble.

Jacob B. Locke testifies that he has known claimant since he came from the Army, boarded in his family, and knows that he was suffering from rheumatism, kidney complaint, sore and inflamed eyes, and was very deaf in one ear; that he has known him ever since discharged, and that he has gradually got worse.

William George says he has known him since 1865, and strongly corroborates the last witness.

WILLIAM E. HARDY.

Several witnesses testify as to acquaintance in 1868, 1871, and from that time to 1881, and all describe the same difficulties.

The examining surgeon at Nobleville, Ind., July 11, 1883, reports him badly affected with rheumatism, totally deaf in left ear, and has frequent attacks of pain over the bladder and passes bloody urine, and adds, "It is probable that rheumatism is the cause of disease of bladder; I cannot separate the two, hence rate them together."

The examining board at Greencastle, Ind., September 24, 1884, report his disabilities fully, and rate him as seven-eighths totally disabled.

Claimant is spoken of in high terms by his neighbors as being a man of excellent character. He is shown to be without means, and dependent on his own labor for support.

Your committee are unable to understand why the case has not been allowed in the Department. There is, to be sure, a lack of medical evidence, but the reasons given why that cannot be obtained are very strong. Every old soldier who has ever been on detached duty at headquarters, or in quartermasters' or subsistence departments, knows how common it was for surgeons to treat them without making any record of it.

Your committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 704.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6134.]

The Committee on Pensions, to whom was referred the bill (H. R. 6134) granting a pension to Hugh Mulholland, have examined the same, and report favorably, adopting the following House report:

Claimant enlisted June 1, 1861, in Company K, Seventy-first Pennsylvania Volunteers, and was discharged November 13, 1862, upon a surgeon's certificate of disability. January, 1863, he made an informal application for pension, and July, 1880, he made another application in proper form, which was rejected on the ground of no record and no medical treatment until 1870. The surgeon's certificate upon which he was discharged from service, dated November 8, 1862, says: "I find him incapable of performing the duties of a soldier because of general dropsy; unable to find out if he enlisted a sound man or not; has been sick four months." It seems he had then served seventeen months. The hospital records show that he was sick in hospital July, August, September, and October, 1862, but do not state the nature of the sickness. John McLane, John Green, George Betrell, and John Gill all testify positively that he was a hale, hearty man when he enlisted. The two last testify that at and before the seven days' fight, up to the second Bull Run fight, he was a constant sufferer from diarrhea, rheumatism, and piles. Ned Baker testifies that he knew claimant in service and that he had chronic diarrhea and piles; went with him to sick-call.

James A. and Charles B. Manela and Michael Trainor testify that they lived in his immediate neighborhood twelve years, and know that he was totally disabled from manual labor by piles, chronic diarrhea, and rheumatism. Claimant states that the physician who treated him is dead. Dr. S. B. Winkley testifies that he treated him from 1870 to 1885, and that he was disabled two-thirds of the time.

Dr. B. W. Bond testifies that he has known him since 1880, and that he has been totally disabled from labor by reason of a dropsical effusion of thorax, which terminated in chronic diarrhea and rheumatism; have examined him and find chronic diarrhea, with some ulceration of the intestines. The examining board at Marysville in 1884 report him suffering with piles, and rate him accordingly. The evidence seems strong that he contracted the disability in the service, and that it has continued ever since.

Your committee recommend the passage of the bill.

9TH CONGRESS, 1st Session. } SENATE. { REPORT No. 705.

IN THE SENATE OF THE UNITED STATES.

APRIL 20, 1886.—Ordered to be printed.

.r. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6023.]

The Committee on Pensions, to whom was referred the bill (H. R. 6023) granting a pension to Frank Sherbonaw, have examined the same and report favorably, adopting the following House report:

Claimant enlisted December 30, 1861, in Company G, Fourteenth Regiment Michigan Volunteers, and was discharged July 18, 1865. In June, 1876, he filed an application for a pension, alleging a wound of the right foot by the explosion of a shell in a skirmish with Wheeler and Forrest, about 9 miles from Nashville, in June or July, 1863. He afterwards stated that the wound was received in May, but that he could not give the exact date. The Department has refused to allow the claim because there is no record of the wound or of the skirmish. Lieut. William Stiner, of same company, testifies that while at Brentwood, in line of duty as skirmisher, claimant received a gunshot wound in the instep of right foot. Eugene C. Clarkson and Patrick Sand, comrades, testify to the same effect, and that claimant was treated in regimental hospital. Dr. Edward Botwell, surgeon of the regiment, testifies: "Claimant was wounded in the hollow of the right foot, which necessitated his exemption from duty. He was treated for said wound in company quarters, and was attended by affiant." In a letter to the office Dr. Botwell says he testifies from recollection and from bringing claimant to camp in an ambulance himself. E. C. Clarkson, in an office letter, says he testifies from common report in the company; that he did not see claimant receive the wound, but that he often saw claimant in the service and believes his case a just one. The examining surgeon in January, 1877, reports the wound, and recommends a pension of $6. The examining board at Independence, Kans., March, 1884, describe very fully the wound, and rate him at one-half total.

Your committee recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 706.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. MILLER, from the Committee on Finance, submitted the following

REPORT:

[To accompany bill S. 1278.]

The Committee on Finance, to whom was referred the bill (S. 1278) entitled "A bill to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general at London, for storage and care of the archives at that consulate-general," have considered the same, and respectfully submit the following report:

That in 1883 Mr. Merritt informed the State Department that the building then occupied in London was to be torn down, and he would be obliged to move his office elsewhere, and asked authority to engage quarters at a cost not exceeding $2,400, an increase of $700. He was instructed that the appropriation was too small to admit of this increase, but prior to the receipt of this reply of the Department he was obliged to make up his mind, and he accepted the terms of certain parties at $2,400 per year; that prior to this correspondence he had asked authority of the Secretary of the Treasury to destroy the great mass of accumulated papers, and was informed that such an action would constitute a penal offense.

That the State Department, on learning the circumstances of the transaction, informed Mr. Merritt that, although the amount agreed upon was in excess of the 20 per cent. on his salary allowed by statute for rent of office, yet they would make allowance for storage rooms (separate from the consular offices) and care, made necessary by reason of accumulated archives. This amounted during the period from July 1, 1883, to May 17, 1885, to $1,723, which was allowed Mr. Merritt by the State Department in the settlement of his accounts, but was disallowed by the Comptroller of the Treasury.

Your committee, in view of the circumstances attending this case, make a favorable report, and recommend the passage of the bill.

The letter from the Secretary of State is appended.

DEPARTMENT OF STATE,
Washington, February 17, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, inclosing a copy of Senate bill 1278, to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general at London, for storage and care of the archives of that consulate-general, and requesting a statement of the facts in the case.

In compliance with your request, I have the honor to state that the records of this Department show the following facts:

In his dispatch No. 169, of March 24, 1883, Mr. Merritt called attention to the necessity of moving his office, as the building then occupied was to be torn down, and, in view of the increased rents, he requested authority to engage quarters at a cost not exceeding $2,400, or an increase of $700 per annum, to be charged to the storage account. He was told in reply that the appropriation was too small to admit of such an increase.

In his dispatch No. 184, of May 29, 1883, Mr. Merritt states that previous to the receipt of this instruction he was obliged to make up his mind as to the location of new offices, and had deemed it advisable to accept the terms offered by the London and Provincial Fire Insurance Company of $2,400 per annum.

To this the Department replied, under date the 28th of June, 1883, as follows:

"The amount agreed on is in excess of the 20 per cent. on your salary allowed by statute for rent of your office; but as you have verbally explained that owing to the vast amount of accumulated archives, invoices, and other documents belonging to the office which require storage and care, it seems to be advisable and proper to make allowance for storage rooms, which are understood to be separate from the consular offices, to which the 20 per cent. clause of the statute applies."

It may be remarked here that previous to the correspondence referred to the views of the Secretary of the Treasury were requested as to the expediency of destroying the great mass of accumulated documents of ancient date and of no special value, consisting largely of invoices of goods long since shipped, and that officer replied that under the law such a course would constitute a penal offense.

Under the instruction of the Department last referred to, Mr. Merritt rendered accounts from July 1, 1883, to May 17, 1885, being seven quarters one month and seventeen days, at $229.23 per quarter, amounting to $1,723, which were approved by this Department, but disallowed by the Comptroller.

This constitutes the entire history of the transaction.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JUSTIN S. MORRILL,
Chairman of the Committee on Finance, United States Senate.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 707.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. STANFORD, from the Committee on Naval Affairs, submitted the following

REPORT:

[To accompany S. Res. 14.]

The Committee on Naval Affairs, to whom was referred the joint resolution (S. Res. 14) authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States, having had the same under consideration, beg leave to report it to the Senate and recommend its passage, for the reasons set forth in the following report made by this committee during the last Congress:

[Senate Report No. 711, Forty-eighth Congress, first session.]

The Committee on Naval Affairs, to whom was referred the joint resolution (H. Res. 17) authorizing the appointment and retirement of Samuel Kramer as chaplain in the Navy of the United States, beg leave to report that they have examined the same, and recommend its passage.

The following extract from a letter of the Secretary of the Navy, dated July 18, 1882, together with the accompanying memoranda, fully explains the case:

NAVY DEPARTMENT,
Washington, July 18, 1882.

SIR: * * * * * * *

I inclose a large number of testimonials in Mr. Kramer's behalf, from which, and a memorandum summarizing the same, it appears that he has been most faithfully serving at the Washington navy-yard for several years, and that he has a record of much merit.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. JOHN F. MILLER,
Member of the Committee on Naval Affairs, United States Senate.

Memoranda in the case of Rev. Samuel Kramer, an applicant for appointment and retirement as a chaplain in the United States Navy.

The Rev. Samuel Kramer (an ordained minister of the Methodist Episcopal Church) performed the duties of chaplain at the navy-yard, Washington, *without pay*, for many years. On the 3d of July, 1880 (after the death of the chaplain in the Navy on duty in the yard), the Secretary of the Navy (Hon. R. W. Thompson) informed the commandant of the yard that Mr. Kramer should receive compensation for his services at the rate of $75 per month. He continued on duty, and to be so paid (out of the appropriation, "contingent Navy"), until May 15, 1882, when, on account of want of funds, he was, with others, notified that his services would not be required after June 30, 1882. During this time there was no regular chaplain on duty at the yard.

Mr. Kramer is strongly recommended by the commandant of the yard (Commodore Pattison), who states, May 23, 1882, that "he has been a faithful chaplain, and is

highly spoken of by everybody who knows him. As he has served as a seaman in the Navy, he is invaluable as a chaplain. Seamen will listen to him when they will not to the general run of preachers. He is located in the seamen's library in this yard, attends the sick in the hospital, and officiates at funerals of deceased seaman and marines, and distributes Bibles and tracts." This letter is accompanied with a testimonial letter signed by all the officers of the yard.

February 1, 1881, Commodore A. A. Semmes, Commander R. D. Evans (then in command of the training-ship Saratoga), Commander J. D. Graham, commanding the receiving ship at the yard, and Lieut. D. G. McRitchie (then in command of the Tallapoosa), joined with Commodore Pattison in asking the appointment of Mr. Kramer as a chaplain in the Navy, and that he be assigned to duty at the Washington navy-yard. These officers state that Mr. Kramer "has in our opinion obtained the love and respect of officers and men who have listened to his exhortations. For many years he has performed the duties of chaplain at this yard without pay, to the entire satisfaction of the officers and men, on board the vessels of the United States Navy, on which he has held divine service, and we are of the opinion that there is more good derived from the preaching of a converted sailor to sailors than from any one who has never been to sea." (Mr. Kramer was too old for appointment, the law fixing the age between twenty-one and thirty-five years, and Mr. Kramer was over sixty years old.)

From letters and statements on file in the Navy Department it appears that Mr. Kramer followed the sea for many years; was in the United States Navy, serving on the Dolphin and Brandywine in 1829. After leaving the service he entered the church, and has given more than twenty years' service, without pay, to the cause of seamen, building the Sailors' Bethel Church in Baltimore, Md. He served as chaplain of the Third Regiment of Maryland (Union) Volunteers. At the battle of Antietam he acted as major of the regiment (in place of the major, who had been killed in a previous battle), and after that battle was, at the request of the colonel, commissioned as major. He was honorably discharged in August, 1863, on account of disability incurred in the line of duty. He is indorsed and recommended by Bishop E. G. Andrews, Rev. H. R. Naylor, Rev. John Lanahan, Rev. B. Peyton Brown, and Rev. W. W. Hicks, all of the Methodist Episcopal Church; Rev. W. A. Leonard, of St. John's (Episcopal) Church, Washington; Thomas L. Tullock and Matthew G. Emery (ex-mayor) of Washington, and Chaplain M. J. Gonzales, U. S. A.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 708.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4517.]

The Committee on Pensions, to whom was referred the bill (H. R. 4517) granting a pension to Timothy Driscoll, have examined the same, and report:

The evidence in support of this claim is fully set forth in the accompanying report (House Report No. 800), which your committee adopt, and recommend the passage of the bill.

The claimant, Timothy Driscoll, bases his clai.n for pension upon chills and fever, resulting in disease of kidneys and back: Claim was rejected upon ground of not being disabled for manual labor in any pensionable degree by reason of the alleged malaria since the date of filing application (April 10, 1882), as shown by result of medical examination.

There is evidence in the case of claimant's having had disease of a private nature soon after arrival of his battery (A, First Maine Artillery) at Ship Island, Louisiana, in the spring of 1862. It is quite probable that this fact may have prejudiced his case unfavorably; and it also appears from report of a special examiner, who took a great mass of affidavits in vicinity of claimant's home, that his reputation is bad, being a man of violence and a great liar. The examiner says there is no doubt he was a good soldier—"one of the sticking kind"—and then had some character. This bad showing, however, should not unduly prejudice his claim, if well sustained by competent evidence, and the examiner having this case in charge, recommended upon the evidence that the claim should be admitted for malarial poisoning and results. Several witnesses testify to his soundness on entering the service.

Eben D. Haley, captain of the battery, testifies that he was in good condition, being an able-bodied man when he enlisted, and that he fell sick of chills and fever at Ship Island in the spring of 1862.

John S. Snow, first lieutenant of the battery, testifies from personal knowledge and recollection of the facts that the claimant did, while in line of duty, contract malaria about May 1, 1862, and that he afterwards had several attacks of same disease, particularly in the Shenandoah Valley in the fall of 1864.

There can be no question that Driscoll continued to be afflicted with malaria after his discharge from the service. This is established not only by testimony of neighbors and acquaintances, whose testimony covers the entire period from his discharge to the present time, but there is medical testimony bearing upon the same point.

S. York, M. D., testifies that he professionally treated the claimant for chills and fever from time to time in the year 1865.

Dr. R. R. Ricker:

"Has known claimant for seventeen years, and for the first two years of his acquaintance he prescribed several times for him for chills and fever; that deponent has seen and known him more or less for the last fifteen years, and has known him to be n poor health during the whole time of his acquaintance."

Dr. J. A. Donovan:

"Has been acquainted with claimant for twelve years, and during that time has prescribed for him several times on account of supposed malarial disease, as manifested by chills, sweating, and general debility. Claimant is now in feeble health, having a severe bronchial inflammation, and is doing but little work. Deponent has never attended him through any acute disease, but at irregular intervals, when he was suffering those malarial seizures."

There are three reports by boards of examining surgeons. The Auburn board reports, May 24, 1882:

"Applicant claims to have chills, followed by fever, at irregular intervals, mainly in winter season. We do not find evidence of sufficient disease to warrant us in giving him a rating."

The Portland board reports, March 12, 1884:

"General appearance that of a broken-down man. His tongue is fairly clean, but unnaturally red at tip and edges. The left lobe of the liver is evidently enlarged. The spleen is also enlarged, and there appears to be tenderness in that region. The abdomen, with these exceptions, presents nothing abnormal. He has some hacking cough, but no expectoration. No dullness on percussion, and by oscultation we find no abnormal sounds except a little bronchial respiration behind. The respiratory sounds are very faint, however, at all points. The heart sounds are very feeble and the action irritable, but we find no evidence of organic disease. He says that he has chills very frequently, and that he has been disabled from this cause so that he has been unable to do any work for the past year, and that for the past three months he has been confined to the bed most of the time. He says that his bowels are constipated. He is evidently badly broken up from some cause, and considering the condition of his liver and spleen, and the absence of any other cause to explain his condition, it is our opinion that it is from chronic malarial poisoning."

The Portland board, reorganized since above report, and comprising no members of the old board, reports September 30, 1885:

"Nothing abnormal about area of dullness over region of liver and spleen. * * * There are now no signs of any malarial poisoning. We do not think he ever had syphilis, as his groins are smooth, glands normal, skin shows no signs of any ulceration; shin-bones show no roughness, no scars; in fine, there are no signs of syphilis. * * * He has consolidation of apex of right lung; it is dull on percussion, and has a prolonged and somewhat blowing expiration; he also coughed considerably during our examination; we do not rate him for lung disease, being doubtful of its connection with his service."

To recapitulate, the proof is conclusive that he contracted chills and fever in the service; that they followed him, and he has been treated for them since his discharge. The evidence upon these points was sufficient in the opinion of the examiner having the case in charge to warrant the claim being admitted. He is rejected upon the reports of two boards, who find no malarial disabilities, as against that of another board, who find a condition of liver and spleen which, in the absence of any other cause to explain his condition, in their opinion, results from malarial poisoning. This last-mentioned report is in consonance with the history of the case as developed in the evidence. There is no question as to his present broken-down condition from some cause.

The probabilities are too strong in favor of the claimant for this committee to ignore, and we accordingly recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 709.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4516.]

The Committee on Pensions, to whom was referred the bill (H. R. 4516) granting a pension to Harriet M. Larrabee, have examined the same, and report:

Your committee have carefully examined the report upon the facts set forth in the annexed statement (House Report No. 694), adopt the same, and recommend the passage of the bill.

Harriet M. Larrabee claims as the widow of Loring H. Larrabee, who enlisted July 15, 1861, as a private in the Sixth Maine Regiment, was discharged July 15, 1864, and died October 5, 1865. Her claim was rejected upon the ground that soldier's fatal disease—malarial typhoid fever—originated after discharge. The deductions of the medical reviewer, approved by the medical referee, are as follows:

"If typhoid fever had followed immediately upon the discharge of the soldier we should have been able to admit death cause as due to service, but occurring, as it did, fifteen months subsequent thereto, we cannot admit it to the exclusion of other causes not incident to service of soldier."

It seems to be fully established in the evidence that he entered the service a well man; that in the Chickahominy Swamp, in the early summer of 1862, he contracted chronic diarrhea, and also chills and fever, and had varicocele, and was sent to hospital at Hampton, Va.; that owing to his disabilities he was transferred to the Invalid Corps, and remained on duty at the Hampton hospitals until his discharge; that he had chills up to and after his discharge, and died of malarial typhoid fever.

E. A. Thompson, M. D., testifies:

"I was called in consultation on or about the 2d day of October, 1865. He had typhoid fever, of malarial type, caused, as I then supposed, by exposure while in the United States service."

H. C. Baxter, M. D., attended him for—

"Malarial typhoid fever from 11th September, 1865, to October 5, 1865, the day of his decease, which, as I then supposed, was caused by exposure to malaria, in connection with typhoid fever, which followed, and greatly aggravated the condition of the patient."

The rejection of the widow's claim appears to be based upon an elegant piece of hair-splitting. We fail to see where the claim lacks in any of the essentials, and recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 710.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4031.]

The Committee on Pensions, to whom was referred the bill (H. R. 4031) granting a pension to Rachael W. Heard, have examined the same, and report:

The facts in this case are set forth in the accompanying report of the House committee (House Report No. 813).

Your committee adopt the conclusions therein stated, and report back the bill with a recommendation that it do pass.

That Rachael W. Heard, now in her eighty-fifth year, and in needy circumstances, is the widow of Nathan Heard, jr., who was a second lieutenant from September 11, 1814, to September 21, 1814, in Capt. Samuel Graves's Company, from Worcester, Mass., which was attached to Lieutenant-Colonel Edwards's regiment in the war of 1812, That said Rachael W. Heard was married to the said Nathan Heard March 24, 1819, and that he died 1879, being at the time in the ninetieth year of his age, leaving said Rachel W. Heard his widow.

The certificate of the Third Auditor of the Treasury Department shows that said Nathan Heard served eleven days in the war of 1812, and the application for pension by his widow was rejected by the Pension Office on the ground that the said service was for a less period than fourteen days. It is a historical fact that Lieutenant Heard passed through all the grades of the militia service of his State, Massachusetts, from corporal to major-general; and from Lincoln's History of Worcester, page 136, it appears that "Governor Strong, by general orders, September 6, 1814, directed the whole of the militia of the State to hold themselves in readiness to march at a moment's warning. * * * The Worcester Light Infantry and Worcester Artillery commenced their march for the metropolis on Sunday, September 14." and the officers of the said Artillery were Samuel Graves, captain, and the said Nathan Heard, second lieutenant; they were stationed at South Boston, and remained in camp until October 31, when they were discharged, thus making forty-seven days of service.

The committee, after due consideration, report the bill back to the House with amendment, and as amended recommend its passage.

9TH CONGRESS, 1st Session. | SENATE. | REPORT No. 711.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3516.]

The Committee on Pensions, to whom was referred the bill (H. R. 3516) granting a pension to Fanny Collins, have examined the same, and report:

Your committee, after a careful examination, adopt the statements of fact set forth in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 349), and report back the bill with a recommendation that it do pass.

Lewis Collins, the husband of claimant, was enrolled as private in Company H, Fifty-eighth Regiment United States Colored Troops, April 27, 1864, and died at Natchez, Miss., May 9, 1864, of small-pox. The claimant, his widow, filed her application for pension November 23, 1878, and it was rejected June 19, 1879, on the ground that the soldier's fatal disease, small-pox, was not contracted in the service and line of duty.

The records of the Surgeon-General show that the soldier entered regimental hospital, Natchez, Miss., April 28, 1864, with intermittent fever, disposition not stated, and died in small-pox hospital, Natchez, Miss., May 9, 1864, of small-pox.

The Adjutant-General reports the soldier on the muster-roll of Company H, Fifty-eighth United States Colored Troops, for the months of March and April, 1864; that he was reported present for duty, with remark, "Joined, a recruit, April 27, 1864; that the record of enrollment is taken from company muster-roll for March and April, 1864, there being no enlistment paper or muster-in roll of him on file."

The testimony filed shows the claimant to have been formerly a slave and legally married to the soldier; that they had no children and she has not married since his death; that the soldier left home in good health; that the claimant was dependent on him for her support, and that she is very poor and in every way deserving of aid.

The rejection of the claim was based on an opinion by the medical reviewer, who reported as follows:

"Enlisted April 27, 1864; died May 8, 1864, eleven days after enlistment; * * * allow only ten days for period of incubation, and it gives but one day for development of disease and death. Disease must have originated prior to enlistment."

The muster-roll showing the soldier as a member of said company for at least two months prior to alleged enlistment, and the testimony that, prior to his entry in the service, soldier was in good, sound physical health, your committee consider that his service as a member of said company began prior to alleged enlistment or joining of recruit, and that the disease of small-pox was contracted while in the service and line of duty, and therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 712.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6466.]

The Committee on Pensions, to whom was referred the bill (H. R. 6466) granting a pension to Mrs. Eliza Humes, have examined the same, and

Your committee have carefully examined the facts as set forth in the report of the House (House Report No. 1196), which they adopt, and recommend that the bill do pass.

Claim as dependent mother of George W. Humes, who enlisted November 23, 1863, as a private in Company E, Second Maine Cavalry, and died at post hospital, Barrancas, Fla., of diarrhea, March 22, 1865. Claim was rejected by Pension Office—

"On ground of non-dependence upon the soldier for support at the date of his death. The claimant and her husband then owned a farm of 95 acres; had no children depending upon them for support, and it is believed that income from farm and from the one-sixth of saw-mill owned by them and from labor of husband in getting out lumber and staves was sufficient for their comfortable support, and this view is sustained by fact that they put money received from soldier out at interest."

No exceptions can be taken to this ruling of the Department, although it draws the line closely upon the question of dependence. In reviewing the equitable considerations to be drawn from the evidence on file, we arrive at the following conclusions:

That soldier fully recognized the dependence of the parents upon his efforts and contributions so fully that, although he was twenty-three years old at the time of his enlistment, he gave to them $200 from his bounty and assigned to them $10 a month from his pay. He always considered it his duty to aid and assist them, and in conversation with Edward W. Farrar, a comrade, while in the service, mentioned their dependence upon him, and his intention to remain on the farm with parents and care for them in their declining years, should he live to return home.

The father was at that time in feeble health from lame back, which disability has steadily increased until now he is bent nearly double and wholly unable to perform manual labor.

The son's last contributions, coming mainly in a gross sum of $200, were placed at interest, although from amounts assigned and amount invested we infer that a portion must have been used at the time in maintenance of the family. It appears, however, that this nest-egg was steadily encroached upon, and has now disappeared. From their inability to keep the farm in a proper state of cultivation and the buildings in repair, the property has deteriorated in value until the value of farm and buildings is now not more than $600.

Unless relief comes from some source this poor little homestead must go as everything else has gone, and they become objects of charity. They are aged respectively seventy-nine and seventy-six years, are respectable Christian people, and, we think, are equitably entitled to a pension on account of their son, whose life was given to the country.

We recommend that the bill do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 713.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4592.]

The Committee on Pensions, to whom was referred the bill (H. R. 4592) granting a pension to Agnes Renz, have examined the same, and report:

Your committee adopt the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 704), and recommend the passage of the bill.

Henry Renz, the husband of the claimant, enlisted July 18, 1862, and was discharged June 7, 1865. He was principal musician of Company B, One hundred and nineteenth Regiment New York Volunteers. During the battle of Buzzard Roost, Ga., on the 8th day of May, 1884, while doing duty as chief bugler, he received a gunshot wound in the rtght shoulder, the ball entering in the shoulder and lodging in the right upper arm, near the elbow, by reason of which he was unable to do any manual labor, and said wound was eventually the cause of paralyzation of the right side. His death resulted from encephalitis. He received up to his death a pension of $6 per month. The widow's claim was rejected on the ground that the soldier's fatal malady was not the result of his injury for which he was pensioned, nor of his military service.

Dr. Henry Reidel, who was the attendant physician of the soldier during his sickness, testifies that in the winter of 1873 he treated him for chronic cerebral disease (encephalitis); that soldier died March 9, 1875, of said brain disease, and that from the history of the gradual development of his brain trouble, as given by his family, affiant has no doubt that it primarily originated with a severe musket bullet wound received during the war, on the 8th of May, 1864, near the spinal column in the right shoulder, and this wound is to be considered the starting point of his fatal malady.

Ernest Raupp and John C. Wenzenberger testify that they were acquainted with the soldier from 1867 to 1875; that he had received a bullet wound in the shoulder during the war and complained ever since of great pains in his shoulder, arm, and neck; that in 1868 he lost the use of his right arm, and got entirely paralyzed in 1872, and that after this he lost his memory entirely up to his death, in 1875.

The records of the Jefferson Hospital at Jeffersonville, Ind., show that soldier was discharged from there March 24, 1865.

After a careful review of the evidence submitted, your committee are convinced that soldier died from the effects of gunshot wound, and recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 714.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2096.]

The Committee on Pensions, to whom was referred the bill (S. 2096) granting a pension to Charles C. Hill, have examined the same, and report:

The claimant, Charles C. Hill, was a private in Company D, Eleventh New Hampshire Volunteers. He was enlisted August 14, 1862, and was discharged June 4, 1865. He applied for a pension at the Department, alleging that at Fredericksburg, Va., about December 13, 1862, he was injured by the concussion produced by a solid shot, which struck the ground very near him, and that the injury aforesaid resulted in a painful lameness and subsequent rheumatic attack, which became chronic, and has troubled him more or less from that time to the present; and he further declares that since his discharge he has been and is at present troubled with heart disease, brought on, as he believes, by camp life and hardship during the war. The claim was rejected on the ground that the evidence fails to show origin of alleged disability in service and line of duty.

The claimant appears to have been a brave soldier, who never avoided duty, and the evidence, we think, sustains the allegations.

Your committee therefore recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 715.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

MR. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5583.]

The Committee on Pensions, to whom was referred the bill (H. R. 5583) granting a pension to John G. Burrill, have examined the same, and report:

The grounds upon which the relief is asked in this case are fully set forth in the statement of the evidence in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1343), which we herewith adopt, and recommend the passage of the bill.

John G. Burrill enlisted on the 14th of June, 1861, in the Fourteenth Indiana Volunteer Infantry, and was honorably discharged on the 10th of October, 1864. He filed his application for a pension on November 25, 1865, alleging that while on detached service as an aid-de-camp on the staff of General Nathan Kimball, and in the line of duty at Kenesaw Mountain, in Georgia, on or about the 27th of June, 1864, he received an injury from the explosion of a shell in close proximity to his head, fired from one of the Union guns that were shelling the wood occupied by the rebels, upon which he at that time, with others of his command, were charging, and he believes that said injury affected his head so that his sight has been gradually failing, until now he is almost totally blind. Claim was rejected on the ground that disease of eyes was not proven as the result of injury received while in service.

The claim is not supported by any testimony as to the incurrence of this injury in the service. He states his inability to furnish the testimony of any comrades who are personally acquainted with the facts; also, that he is the only living officer who served on General Kimball's staff at that time. Your committee believe this claim to be a meritorious one. The character of the claimant for integrity is unquestioned. As a brave and gallant soldier he was without a peer. Entering the service as a private in 1861, he was promoted a first lieutenant and assigned to duty as aid-de-camp on General Kimball's staff, for efficient services rendered at the battle of Winchester. He participated in the battles of Cheat Mountain, Greenbrier, and Winchester; was with McClellan in all the battles on the James River; at Antietam, Fredericksburg, Mechanicsburg; was at the siege of Vicksburg, New Hope Church, Big Shanty, Hakworth, and Kenesaw Mountain. General Kimball's testimony is that in all these battles he behaved most gallantly, performing every duty willingly, promptly, and efficiently, regardless of peril or fatigue.

General Kimball corroborates the claimant in his declaration for pension. He testifies tha tat the battle of Kenesaw Mountain, Georgia, on the 27th of June, 1864, he was a brigadier-general of volunteers in the United States Army, and was then and there in command of the Sixth Brigade, Second Division of the Fourth Corps, at said battle; that he was well acquainted with John G. Burrill, who was at said battle a first lieutenant and an aid-de-camp on his staff; that during said battle his command was ordered to advance against the enemy's line of works in a certain woods; that John G. Burrill, the said first lieutenant and aid-de-camp, was with the command in the woods while the command was advancing against the enemy. It was under the terrible con-

verging fire from the Union artillery, as also under the heavy artillery fire from the batteries of the enemy, but whether or not there was any injury done at the time Burrill he does not now recollect, other than the consequent shock to the head resulting from the concussion of guns and shells.

Judge W. E. Niblack, of Indiana, an ex-member of Congress, says that he is acquainted with the claimant; that he recollects of his having complained of his eyes nearly, if not quite, ever since he left the Army; that he is a gentleman of excellent character for truth and veracity, and he would not hesitate to accept as true any reasonable statement he might make both as to the origin and character of his disability.

Ex-Attorney-General James C. Denny, of Indiana, indorses the claimant as a man of integrity; states that he has known him long and well, and that a truer or better soldier never served his Government.

Dr. George Rawlings says that claimant is suffering from the last stages of degeneration of both optic nerves, caused by the existence of chronic glaucoma. The left eye became blind many years ago. After long-continued dull headaches the right eye began failing in 1881. The claimant sees fingers in only 6 feet distance with the right eye, and motions of a hand only with the left eye. He further states he has no doubt that his continuous exposures during the war, and especially the fact that a shell exploded close over his head, were the cause of glaucoma.

Your committee believe this claimant should have a pension. We believe he incurred the injury in the service at the time and place alleged; that the disability was slow in developing, and that it was several years before it began to manifest its more serious results—the loss of his sight. To-day he is almost blind, and he requires the assistance of another to guide him. He was a brave soldier, and served his country well. He is indorsed as a man of high character and unquestioned integrity. He is old and poor and almost helpless, and needs the aid which the Government can and should give him; and therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 716.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. CULLOM, from the Committee on Territories, submitted the following

REPORT:

The Committee on Territories, to whom was referred the joint resolution of the legislature of New Jersey relative to penal colonization, having had the same under consideration, respectfully report:

That this resolution suggests a Congressional inquiry into the fitness of a portion of the Territory of Alaska for the purpose of a penal colony, and the advisability of establishing such a colony for life or long-term convicts of the General Government and of the several States; but your committee, with the information now before them, do not deem it expedient for Congress to undertake such an inquiry at the present time.

They therefore recommend that the resolution do lie upon the table, and that the committee be discharged from the further consideration of the subject.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 717.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 609.]

The Committee on Claims, to whom was referred the bill (S. 609) for the relief of the legal representatives of Henry S. French, have had the same under consideration, and report as follows:

From a report made in the House in the Forty-fifth Congress we quote as follows:

That Henry S. French, of Nashville, Tenn., has for years resided in the city of Nashville; was a loyal citizen during the late rebellion; that in the fall or winter of 1861-'62 he employed one James E. Butler, of Atlanta, Ga., to purchase for him (French) a lot of cotton; that said Butler did purchase 336 bales, and stored the same in a stone warehouse in Jonesborough, in Georgia, about 20 miles distant from Atlanta, and it remained there until after the battle at and capture of Atlanta by the Union forces, about the latter part of September, 1864. The proof shows that a number of bales of this cotton was used by the Federal forces after the battle at Atlanta for hospital purposes; from 5 to 10 bales were scattered and lost, some 9 bales rotted by exposure, and 230 bales taken possession of by one Colonel La Duc, chief quartermaster of the Twentieth Army Corps of the Army of the Cumberland, and by him shipped to Nashville, Tenn., where he (La Duc) proves he afterward traced it.

The claimant states that for several years he was impressed with the belief that this cotton was destroyed, and remained under that impression until after the time prescribed by law for filing his claim before the court organized for the trial of this class of cases.

Your committee find that a claim for the cotton used for hospital stores was presented to the Southern Claims Commission, and believe that, on the facts shown, claimant should be allowed to prosecute his claim for the proceeds of the cotton alleged to have been sold for the benefit of the United States before the Court of Claims.

Under these circumstances your committee recommend that the bill do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 718.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. FAIR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1117.]

The Committee on Claims, to whom was referred the bill (S. 1117) for the relief of Emanuel Mason, having considered the same, submit the following report:

This bill provides for the payment to Emanuel Mason the sum of $2,160, for the services of his son in the United States Patent Office from May, 1861, to May, 1866, at the rate of $36 per month.

In his petition accompanying the bill the claimant states he was appointed messenger in the United States Patent Office, May 16, 1861; that his duties were onerous from the first, and were increased from time to time till he thought he needed the services of an assistant; that he petitioned the Commissioner to allow him to use his son to assist him; that the Commissioner said he had no objections, whereupon the claimant used his son as an assistant for the five years above mentioned, for which neither the claimant nor his son ever received any pay.

He further states that several of the Patent Office officials asked him if the boy received any pay, and being answered in the negative replied that he ought to; that at one time he was told to ask the Commissioner to allow him something for the boy, but he did not ask him, because, as he says:

> Congress made no appropriation for the Patent Office, and I was afraid the Commissioner would not allow anything, as the Secretary had full charge.

The claimant cites the case of another boy in the same office who received $36 a month and performed the same services essentially as his son; but he says the Commissioner *appointed* the other boy, but did not appoint his son.

It does not appear from the petition that the claimant had any serious thoughts of making a claim for his son's services till 1870, when, he says, a friend suggested that he prepare a paper showing the facts, as he thought the boy's services were worth something. He prepared such a paper, showed it to several, and finally presented it to the Commissioner of Patents, who told him "he was willing for the law to make him any compensation they might see fit."

The case amounts to this, that the claimant was allowed to have his son lighten his labors; he never took any steps towards obtaining pay for his son, and probably never thought of it, till it was suggested to him four years after the son had ceased to work and nine years after he commenced to work.

That the claimant's work was laborious may be admitted, but the principle here involved, that a Government messenger, or other employé, for that matter, may appoint an assistant whose name does not appear on the rolls of the office and who is only responsible to his immediate employer, is unheard of, and one that this committee cannot now attempt to uphold.

Your committee therefore recommend that the bill do not pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 719.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. CULLOM, from the Committee on Naval Affairs, submitted the following

REPORT:

[To accompany bill S. 1262.]

The Committee on Naval Affairs, to whom was referred the bill (*S.* 1262) *for the relief of Thomas G. Corbin, have duly considered the same, and beg leave to submit the following report:*

Three favorable reports have been made by this committee and three by the House Committee on Naval Affairs in the Forty-sixth, Forty-seventh, and Forty-eighth Congresses, respectively, on bills for the restoration of Capt. Thomas G. Corbin, United States Navy, to the position in the Navy of which he was deprived by retirement in consequence of the action of a board of promotion. One of these bills passed the Senate in the Forty-eighth Congress, but was not reached in the House.

The committee append and adopt the statements and conclusions of the report made to the Senate in the last Congress, and in further support thereof have added a letter from the Secretary of the Navy, found in House Report No. 701, Forty-seventh Congress, first session.

Since this matter was first brought to the attention of Congress Captain Corbin has reached the age (sixty-two years) prescribed for retirement by section 1444, Revised Statutes. The bill now reported does not, therefore, contemplate his restoration to the active list of the Navy, but leaves him on the retired list, only changing his rank and pay to that which he would have attained if he had not, as the committee believe, been unjustly deprived of his promotion.

[Senate, Report No. 178, Forty-eighth Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (*S.* 427) *for the relief of Thomas G. Corbin, have fully considered the same, and beg leave to submit the following report:*

The facts in this case are well stated and fully set forth in the following report made by the Committee on Naval Affairs of this body in the Forty-seventh Congress:

The Committee on Naval Affairs, to whom was referred the bill (*S.* 14) *for the relief of Thomas G. Corbin, have duly considered the same, and beg leave to submit the following report:*

The bill proposes to authorize the President of the United States to restore Thomas G. Corbin, now a captain on the retired list of the Navy, to the active list, to take rank next after Commodore J. W. A. Nicholson, with restitution, from December 12,

1873, of the difference of pay between that of a commodore on the active list on waiting-orders pay and that of a captain retired on half pay.

The act of April 21, 1864, "to amend an act entitled 'An act to establish and equalize the grade of line officers of the United States Navy,' approved July 16, 1862," provides:

"That no line officer of the Navy upon the active list below the grade of commodore nor any other naval officer, shall be promoted to a higher grade until his *mental, moral and professional fitness to perform all his duties at sea* shall be established to the satisfaction of a board of examining officers to be appointed by the President of the United States. And such board shall have power to take testimony, the witnesses, when present, to be sworn by the president of the board, and to examine all matter on the files and records of the Department in relation to any officer whose case shall be considered by them.

"SEC. 2. *And be it further enacted*, That such examining board shall consist of not less than three officers senior in rank to the officer to be examined.

"SEC. 3. *And be it further enacted, That any officer, to be acted upon by said board, shall have the right to be present, if he desires it; and his statement of his case on oath, and the testimony of witnesses, and his examination, shall be recorded.* And any matter on the files and records of the Department touching each case, as may, in the opinion of the board, be necessary to assist them in making up their opinion, shall, together with the whole record and finding, be presented to the President for his approval or disapproval of the finding. And no officer shall be rejected until after such public examination of himself and the records of the Department in his case, unless he fails to appear before said board after having been duly notified."

The whole case narrows down to a simple interpretation of the true intent and meaning of the sections just quoted.

Your committee have carefully examined Captain Corbin's history while in the naval service, and find that his record is unexceptionable and without blemish. He was appointed acting midshipman in 1838, and passed through all the intermediate grades of the service, having acquitted himself in a most meritorious and gallant manner throughout the entire war, and in July, 1866, was promoted to the rank of captain.

On the 21st day of May, 1873, Captain Corbin was ordered to report in Washington to Rear-Admiral Rodgers for examination preliminary to promotion. In obedience thereto he appeared before the examining board, and was referred to the medical board for physical examination. This board examined and recommended him as physically qualified for promotion. He was then informed by the examining board that he would be required to submit to an *oral* examination to test his proficiency in the knowledge of his profession. He refused to submit to this oral examination on the ground that it was entirely beyond the purview of the act of April 21, 1864, and declined to appear before the board. Captain Corbin was thereupon discharged from further attendance before the board, who submitted a report to the Secretary of the Navy, refusing to recommend him for promotion. The Secretary then offered him an opportunity to reconsider his determination not to appear before the examining board, of which privilege he again declined to avail himself. The papers in the case were then, by request of Captain Corbin, placed before the President, who sustained the action of the Department. Captain Corbin still declining to appear before the board for the purpose of an oral examination, on January 5, 1874, he was, by order of the Secretary of the Navy, placed upon the retired list. This is the sum and substance of the whole case.

Your committee, after maturely examining the act of April 21, 1864, are of the opinion that it leaves it optional with the officer to be *present* or *absent* during the examination. The act simply intended the ascertainment of an officer's fitness, mentally, morally, and professionally, by examination of witnesses and records. The framers of the act could not have meant to subject an officer like Captain Corbin, who had served his country faithfully and gallantly for thirty-five years, to the humiliation of an oral examination before he could receive that promotion which he so eminently deserved. Such an examination of young midshipmen about entering the Navy, or of clerks about entering one of the Government Departments, might be proper enough, but to require a person of the age and service of Captain Corbin to submit to such a thing would be unfair and unjust in every respect.

The following letter from Hon. G. V. Fox, formerly Assistant Secretary of the Navy (who shaped and administered the act of April 21, 1864), to Senator Edmunds, explains the intent of this law:

WASHINGTON, D. C., *February* 17, 1881.

Hon. GEO. F. EDMUNDS,
United States Senate, Washington, D. C.:

DEAR SIR: I inclose Senate report No. 743, and House report No. 116, Forty-sixth Congress, third session, in reference to the case of Capt. T. G. Corbin, U. S. Navy. I am able to write to you with confidence that the conclusions of these two committees

as to the true meaning of section 3 of the act of April 21, 1864, agree with the intent of the Navy Department, which shaped and administered this law.

The act of July 16, 1862, neither required nor permitted the presence of any officer whose case was pending. This was made a subject of complaint by those who suffered from the action of the board; but it was more specious than valid, because the true measure of merit entitling an officer of the senior grades to promotion is not an oral examination, but the record of his whole career on the files of the Navy Department as established by himself. The inefficient clamored to be present because before a board, where there was no public prosecutor, they hoped to exert a personal and sympathetic influence. They reasoned well, and the authors of section 3, act of April 21, 1864, offset it by requiring that those who *choose to be present* should be "examined," and the board were also required to use "any matter on the files and records of the Departments touching each case."

This is the briefest explanation I can give you of the two acts referred to, and the reasons for putting in the *option* of being present. This legislation was for the purpose of raising the spirit of the Navy, by removing from the active list the drunkards and imbeciles. It had no reference to and was not intended to act upon officers whose record was blameless.

I am, respectfully, your obedient servant,

G. V. FOX.

Under section 4 of act of July 16, 1862, no interrogation of officers upon professional subjects was ever made, because their professional reputation was satisfactorily established by the records of the Department and testimony of witnesses. A similar interpretation of section 3 of the act of 1864 was doubtless intended, otherwise that act would never have given the candidate for promotion the option of appearing or not appearing before the examining board. It requires his presence before the board of naval surgeons to ascertain his physical fitness, but it leaves his mental, moral, and professional qualifications to be ascertained from the files of the Department and the testimony of his brother officers. The evidence from that source is very complimentary to Captain Corbin, and can be referred to if desired in the papers accompanying the bill. Rear-Admiral C. H. Davis, Commodore C. R. P. Rodgers, and Captain D. M. Fairfax, U. S. N., in answer to interrogatories propounded by the Navy Department relative to Captain Corbin, state that his reputation is the very best, and that his habits are excellent; and they all pronounce him as well qualified in every respect for promotion. Commodore Rodgers says in his statement that "he," referring to Captain Corbin, "is one of the ablest officers in the Navy," and, in answer to the question, "Would you, as commander of a squadron, have sufficient confidence in Captain Corbin to send him on an important separate service in command of a vessel of war?" says, "I would. I should esteem myself happy in having such an officer to send on any service."

Commodore Rodgers was also asked this question: "Do you or not consider Captain Corbin to be mentally, morally, and professionally a fit officer to perform all his duties at sea in a higher grade?" And his answer was, "I do so consider him eminently qualified."

It was the duty of the examining board to summon reliable witnesses to testify as to whether, in their opinion, based on actual knowledge of and contact with Captain Corbin, he was mentally, morally, and professionally qualified to fill a higher rank than the one he held. It was also its duty to call upon the Department for all the papers connected with his naval career, to examine them carefully to see whether he had ever been charged with conduct unbecoming an officer, or whether he had ever been guilty of intemperance, and when it had done that its power ended; it could go no farther, and it was its duty to either recommend or not recommend him for promotion, as the evidence might justify, and any examination beyond this was a usurpation of power totally unwarranted by law. That Captain Corbin was a brave, honest, intelligent, and reputable naval officer there is no doubt; neither is there a doubt but that he was unjustly dealt with in being placed upon the retired list without cause.

Being satisfied as to his entire fitness for promotion, your committee report the bill back to the Senate without amendment, and recommend its passage.

NAVY DEPARTMENT,
Washington, January 17, 1882.

SIR: The bill for the relief of Captain Corbin, which has been referred to me for my opinion, has received at my hands due consideration.

I do not deem it necessary to decide whether Captain Corbin was right or wrong in declining to submit to the oral examination tendered him by the board of officers on the 21st of May, 1873. He believed that he was not compelled by law to submit to that examination. In that opinion he was sincere. The opinion was sustained by that of the Hon. G. V. Fox, formerly Assistant Secretary of the Navy, who shaped and

administered the law with reference to examinations for promotion. The report of Senator Cameron, from the Committee on Naval Affairs, on the 12th of January, 1881, conforms to the view taken by Captain Corbin and concurred in by the Hon. Mr. Foster. A different view of the law was held by the examining board before which Captain Corbin was summoned. The Secretary of the Navy at the time approved the action of the board and the President adopted the opinion of the Secretary. In this conflict of judgment I repeat that I do not deem it necessary, at this date, to decide whether or not the course adopted by Captain Corbin was legally correct. The case is one where an officer, conspicuous for his faithful performance of duty during many years, and for his gallant conduct on all occasions, and his firm adherence to the cause of the Union under circumstances of unusual trial, appeals to his country to be relieved from a position which he honestly believes correct, and in which belief he was sustained by distinguished authority. In view of all these considerations, and of the further fact that the restoration asked by Captain Corbin must necessarily terminate in about six months from this date by reason of his reaching the age for retirement, I think the prayer of his petition should be favorably considered, and the bill for his relief should be promptly passed by Congress.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM H. HUNT,
Secretary of the Navy.

Hon. J. H. KETCHAM,
House of Representatives.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 720.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. MCPHERSON, from the Committee on Naval Affairs, submitted the following

REPORT:

[To accompany bill S. 882.]

The Committee on Naval Affairs, to whom was recommitted the bill (S. 882) to equalize the pay of graduates of the Naval Academy, beg leave to make the following report:

The bill referred to the committee provides for giving the graduates from the Naval Academy the same pay on their entry into the service; to give to the line officers the same pay as that now received by the officers in the staff corps having the same relative rank in each, that of ensign. The inequality in pay had been brought about by the act of July 15, 1870 (16 Stats. at Large, p. 330). At that time the period of service of the line officer in the grade of ensign was very short, and under the then existing laws the ensign was promoted to the grade of master at an early age, and his increased pay arose under that grade.

The consideration which led to the reduction of the pay of the ensign has no longer any weight, owing to the changed condition of the service as respects that class of officers.

Since 1870, in the order of promotion under the operation of law the period of service as ensign has greatly increased, and hence the unjust inequality in pay has resulted.

A reference to the following table will illustrate the constantly increasing length of service in the grade of ensign. Few ensigns can now be promoted before they are thirty years of age:

Name and present rank.	Date of entering the service.	Date of commission as junior lieutenant.	Service prior to promotion to grade of junior lieutenant.
Goodrich, lieutenant-commander	Dec., 1861	Dec., 1866	5 years.
Converse, lieutenant-commander	Nov., 1861	Mar., 1869	6 years, 4 months.
Maynard, lieutenant	Oct., 1862	Mar., 1869	6 years, 5 months.
Tilley, lieutenant	Sept., 1863	Mar., 1870	6 years, 6 months.
Cornwell, lieutenant	Sept., 1864	July, 1870	5 years, 10 months.
Perkins, lieutenant	July, 1865	July, 1871	6 years.
Rittenhouse, lieutenant	July, 1866	Sept., 1873	7 years, 2 months.
Staunton, lieutenant	Sept., 1867	Feb., 1875	7 years, 5 months.
Southerland, lieutenant	June, 1868	Nov., 1877	9 years, 5 months.
Scheutze, junior lieutenant	June, 1869	Nov., 1878	9 years, 5 months.
Peters, junior lieutenant	June, 1870	Nov., 1880	10 years, 5 months.
Hodgson, junior lieutenant	June, 1871	Nov., 1881	10 years, 5 months.
Gearing, junior lieutenant	June, 1872	Jan., 1884	11 years, 7 months.
Fullam, ensign*	Sept., 1873	June, 1886	12 years, 9 months.
Fillmore, ensign*	Sept., 1874	Jan., 1888	13 years, 4 months.
Miner, ensign*	June, 1875	Mar., 1889	13 years, 9 months.
Alger, ensign*	Sept., 1876	June, 1890	13 years, 9 months.
Hoogewerff, ensign	Sept., 1877	.....	
Wood, ensign	Sept., 1878	.....	

*Promotion computed.

Under the law as it now stands the line officer as an ensign gets $500 per annum less pay than the staff officer of the same relative rank.

The present Secretary of the Navy recommends an increase of pay of the line officers of the Navy of the grade of ensign, and the reason for some legislative action in their behalf is well set forth in the extract from the report of the Committee on Naval Affairs of the House of Representatives of the Forty-eighth Congress, second session, recommending the passage of a bill similar to the one referred to the committee, as follows:

The justice of this measure is acknowledged by officers of all grades and corps of the Navy, and it has been recommended by the Secretary of the Navy in his last annual report.

The future efficiency of the Navy depends directly upon the character of the younger line officers, and the present policy of retaining them for years in a grade where their pay is much lower than that of any other employés of the Government of equal responsibility is very disheartening and injurious in its results.

A policy which leaves these young officers under such a stinging injustice cannot but fail to stifle all their ambition, to render them indifferent to the advancement of their profession, to drive them to a disregard of the consequences of non-attention to duty.

To feel that a distinction is being made where no differences exist; that their claims are disregarded, although supported by the opinions of officers irrespective of grades and corps, will blunt their ideas of justice. and render them incompetent to administer it when they are called upon to do so.

The time when these young men could be called boys, and when their age made money dangerous as an inducement to dissipation, has passed. They are no longer boys; they are men; men who have been sent on expeditions fraught with danger, who are daily appointed to positions of especial trust and responsibility, who are prominent in naval literature, of daring courage in the front rank of volunteers when distinguished service calls for them, and in no case have they belied their trusts, have they been found wanting in the elements that constitute a naval officer.

In view of the fact that the length of the service in the grade of ensign has been very much increased, the committee report a bill in the nature of a substitute for the bill referred, reducing the amount of pay provided in the original bill, but granting an increase of $200 a year.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 721.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1390.]

The Committee on Pensions, to whom was referred the bill (S. 1390) for the relief of B. Frank Patterson, having examined the same, do report as follows:

The claimant, B. Frank Patterson, was mustered into the service August 26, 1862, as first sergeant of Company F, Fourteenth New Jersey Volunteers; was promoted to be second lieutenant of the same company and regiment on November 19, 1863, and was discharged on April 1, 1864, for disability.

The basis of this soldier's claim is disease of the bladder and kidneys, contracted in 1862 while in the line of his duty, and for which he was treated by Dr. A. Treganowan, the surgeon of his regiment; and the further cause of disability, that while on the march from Gettysburg to Williamsport, Md., in the attempt to jump a ditch he fell backward and received severe injuries in his spine, and stricture of the bladder, from which he never recovered and is now almost wholly disabled.

The claim was rejected by the Pension Bureau, on the ground that his disabilities did not arise while in the line of his duty.

The committee find from a thorough examination of the papers in the case that while a small portion of the evidence goes to sustain the decision of the Bureau, the testimony showing the validity of the claim is voluminous and clear, the point at issue being a difference of opinion between the doctors as to the original cause of disability.

The testimony of Drs. Treganowan, Goodenough, and Garrison, of John C. Patterson, major of the Fourteenth Regiment, George W. White, corporal Company G, Fourteenth Regiment, and Private Grandin Hampton, of Company D, Fourteenth Regiment, clearly proves the claimant's disabilities, the two latter being witnesses to the fall he received in the ditch.

Drs. Treganowan and Goodenough, with William Sheppard and William Outkalt, testify to having known the soldier many years previous to enlistment, and that he was a well, sound, and healthy man when he entered the Army.

While the committee have paid due regard to the adverse evidence in this case, and have given it special attention, they are of the opinion that it is based upon a mistaken diagnosis, in that other and equally ex-

B. FRANK PATTERSON.

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pert surgeons controvert it, their conclusions being corroborated by the soldier's comrades and by neighbors who have known him many years. His record as a soldier is good. He remained on duty even while suffering from complicated disease, until he was physically unable to perform his duties, and finally received an honorable discharge.

The committee therefore, believing this to be a worthy and deserving case, recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 722.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2095.]

The Committee on Pensions, to whom was referred the bill (S. 2095) granting a pension to Mary B. Hook, have examined the same, and report:

The claimant, Mary B. Hook, is the widow of James H. Hook, late a lieutenant-colonel in the United States Army. She is now drawing a pension at the rate of $30 per month. Her husband entered the service in the war of 1812 and remained therein until his death. The claimant now asks that her pension be increased to $50 per month. The facts relied upon to support this claim are well stated in the petition of the applicant and record of the military services of the soldier. The member of your committee to whom the case was referred has verified the truth of the allegations of fact, and, on the whole, although the rank of the soldier was that of lieutenant-colonel, considering that his services began near the commencement of the century and continued over sixty years, that much of it was of a very honorable and distinguished character, and that his aged widow is absolutely helpless, the bill is reported back with the recommendation that it do pass.

1138 CONNECTICUT AVENUE, *April* 9, 1886.

This is to certify that, owing to chronic pulmonary disease, accompanied with hemorrhage, Mrs. Mary B. Hook is thoroughly incapacitated for any and all work pertaining to her support.

J. R. BROMWELL, M. D.
S. C. BUSEY, M. D.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of Mary B. Hook, widow of Lieut. Col. James H. Hook, assistant commissary-general of subsistence, United States Army, respectfully represents:

That by an act of your honorable body, approved July 16, 1876, it was provided as follows, to wit:

"*Be it enacted, &c.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Mary B. Hook, widow of Lieut. Col. James H. Hook, late of the United States Army, from and after the passage of this act."

Your petitioner, since 1876, has received a pension at the rate of $30 per month only.

Owing to the advanced age and delicate health of petitioner, and the fact that she has no other means of support, this pension is becoming less and less adequate to her

comfort and decent support. She is therefore advised to apply to the generosity of Congress for an increase of her pension to at least $50 per month, and she is encouraged in so doing by the liberality of your honorable body in other similar cases.

To meet the needs of her declining years, and to leave, if possible, something for her funeral expenses, petitioner therefore prays that an act may be passed allowing her a pension at the rate of $50 per month.

And as in duty bound, &c.,

MARY B. HOOK.

Colonel Hook's military record respectfully submitted:

He was appointed from Maryland, his native State, as an ensign in the Army in the year 1812.

Was promoted September 1 of the same year to be second lieutenant in the Fifth Regiment of Infantry.

During the war with Great Britain he was a part of the time at Fort George, and at or near Lewiston on the Niagara in 1813.

He was commissioned captain in the Thirty-eighth Regiment of Infantry May 20, 1813, and served on the seaboard of Maryland and Virginia, where his regiment was stationed.

He commanded a company in defense of Fort McHenry when attacked by the British in 1814.

On the organization of the peace establishment he was assigned to the Fourth Regiment of Infantry, commanded by Colonel King.

The Fourth Regiment, under Lieutenant-Colonel Clinch, was ordered to the frontier of Georgia and thence to Florida. Captain Hook was placed in command of Fort Hawkins, the frontier post of Georgia.

Subsequently to this period he was detailed on Bureau duty, at Washington, as assistant commissary-general of subsistence. It is not too much to say that he brought to his staff position the same earnestness, fidelity, and intelligence, the same warm sympathy for all the troops in the field and their requirements that had characterized his conduct while actually serving there in person.

Reference is respectfully made to the papers heretofore filed in reference to the services of Lieutenant-Colonel Hook to the Army and the Government, and the esteem in which he was held by those best competent to judge.

Colonel Hook served in the Army during his whole life, was universally known to be devotedly attached to his profession, and his testimonials from officers of high rank show his great efficiency in every branch of the Army in which he served.

He was truly the soldier's friend, and never failed to advocate their cause on every proper occasion, and when he found them in distress liberally contributed pecuniary aid to their relief; and in this connection she asks leave to transcribe the beautiful and truthful dedication to him by Washington Irving in his work entitled "The Adventures of Captain Bonneville, United States Army, in the Rocky Mountains and the far West," to wit:

> "To James Harvey Hook, major United States Army, whose jealousy of its honor, whose anxiety for its interests, and whose sensibility for its wants, have endeared him to the service as the soldier's friend; and whose general amenity, constant cheerfulness, disinterested hospitality, and unwearied benevolence entitle him to the still loftier title of the friend of man, this work is inscribed."

Respectfully submitted.

MARY B. HOOK.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 723.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2223.]

The Committee on Pensions, to whom was referred the petition of Elizabeth S. De Krafft, praying for an increase of her pension, have examined the same, and report:

The petitioner, Elizabeth S. De Krafft, is the widow of John Charles Philip De Krafft, late commodore United States Navy. She was pensioned under the general law at the rate of $30 per month, commencing November 25, 1885, with an addition of $2 a month for one minor child.

By her petition, which is hereto appended, she asks that her pension be increased to $50 a month. It appears from the record of services of her husband that he was promoted to the rank of rear-admiral October 23, 1885, and that he died on the 29th of the same month.

It is believed that your committee have uniformly reported in favor of granting this increase to the widows of officers of this rank, and they therefore report a bill to increase her pension to $50 per month, with the recommendation that it do pass.

Petition of Mrs. Elizabeth S. De Krafft for increase of pension.

To the honorable Senate and House of Representatives of the United States:

The prayer of your petitioner showeth that she is the widow of Rear-Admiral J. C. P. De Krafft, U. S. N., who died October 29th, 1885, after 45 years' service in the Navy: that she is left with two children dependent upon her; that the small pension ($30 per month) she now receives is insufficient for her support; that she is not able to provide a living by her own exertions for herself and children; and she prays that Congress will grant her an increase of pension to the sum of $50 per month, as has been done in recent years in the case of widows and dependent families of senior officers of the Navy.

ELIZABETH S. DE KRAFFT.

The undersigned concur in this request of Mrs. De Krafft, and desire that it be granted by Congress.

David D. Porter, Admiral; S. C. Rowan, Vice-Admiral; John L. Worden, Rear-Admiral; Wm. Rogers Taylor, Rear-Admiral, U. S. N.; Wm. Radford, U. S. N.; T. H. Stevens, Rear-Admiral, U. S. N.; Thos. O. Selfridge, Rear-Admiral, U. S. N.; Thornton A. Jenkins, retired Rear-Admiral, U. S. N.; Chas. Steedman, retired Rear-Admiral, U. S. N.; E. Simpson, Rear-Admiral, U. S. N.; D. B. Harmony, Commander, U. S. N.; J. E. Walker, Captain, U. S. N.; W. S. Schley, Chief Bureau of Equipment and Recruiting.

Record of service of John C. P. De Krafft.

[True copy from the records of the Navy Department, April 15, 1886.—Jno. W. Hogg, chief clerk.]

John C. P. De Krafft was appointed a midshipman in the Navy October 19, 1841.

December 4, 1841, he was ordered to the Independence; June 13, 1842, detached and ordered to the Congress; September 5, 1843, detached from the Preble and granted leave.

October 18, 1843, ordered to the Raritan; war with Mexico, first attack on Alvarado under Commodore Conner, 1846; January 2, 1847, detached from the Cumberland and granted leave.

February 23, 1847, ordered to the Union; May 25, 1847, detached and placed on waiting orders.

June 12, 1847, ordered to the Ohio; January 15, 1848, detached and ordered to the Naval School; July 29, 1848, detached and granted leave.

November 1, 1848, ordered to the Vixen; November 24, 1848, transferred to the Raritan; September 29, 1849, warranted as passed midshipman, from August 10, 1847: April 27, 1850, detached from the Raritan and granted leave.

July 27, 1850, ordered to the Naval Observatory; February 24, 1851, detached and granted leave.

May 10, 1851, ordered to the Plymouth; May 22, 1851, detached and ordered to the Vixen; April 21, 1852, detached and granted 6 months' leave with permission to leave the United States.

December 22, 1852, ordered to duty on the Coast Survey; November 3, 1853, detached and placed on waiting orders.

May 11, 1854, ordered to the Michigan; October 12, 1855, detached and placed on waiting orders.

October 23, 1855, warranted as master from September 14, 1855; October 25, 1855, promoted to lieutenant from September 15, 1855.

March 17, 1856, ordered to the John Adams; April 26, 1858, detached and granted 3 months' leave.

July 29, 1858, to the Michigan; September 20, 1859, detached and placed on waiting orders.

May 10, 1860, to the Niagara; war of 1861–'65, combined attack on Fort McCrea and defenses of Pensacola, frigate Niagara, November, 1861; June 14, 1862, detached and granted leave.

June 19, 1862, to the navy-yard, Washington; August 5, 1862, promoted to lieutenant-commander from July 16, 1862; September 15, 1863, detached and placed on waiting orders.

October 20, 1863, to command the Conemaugh; attack on Fort Powell, defenses of Mobile Bay, August 5, 1864; February 10, 1866, detached and placed on waiting orders.

March 29, 1866, to the navy-yard, Philadelphia; July 25, 1866, promoted to commander; December 19, 1866, detached and placed on waiting orders; March 9, 1867, ordered to special duty at Philadelphia; February 18, 1868, detached and ordered as fleet captain of the North Atlantic Station; August 28, 1869, detached and placed on waiting orders.

October 12, 1869, to special duty at Philadelphia; October 1, 1870, detached and placed on waiting orders; October 5, 1870, to navy-yard, Portsmouth, N. H.; September 15, 1872, detached and ordered as chief of staff of the North Pacific Station; November 20, 1872, promoted to the grade of captain; September 20, 1873, to command the Saranac; March 1, 1875, detached from command of the Hartford (sick) and granted leave.

October 9, 1875, to the navy-yard, League Island, Pennsylvania; January 1, 1876, detached and placed on waiting orders; November 5, 1877, ordered to the navy-yard, Washington; July 13, 1880, detached and ordered as hydrographer to the Bureau of Navigation; October 1, 1881, promoted to commodore; June 30, 1883, detached and placed on waiting orders.

August 22, 1883, ordered as president of the Board of Inspection and Survey; June 12, 1885, promoted to rear-admiral; October 23, 1885, detached and placed on waiting orders.

He died at Washington, D. C., on the 29th of October, 1885.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 724.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5277.]

The Committee on Pensions, to whom was referred the bill (H. R. 5277) granting a pension to Zeba S. Ayer, have examined the same, and report:

The facts in this case are set forth in the report of the House committee (House Report No. 695), which your committee adopt, and recommend the passage of the bill.

Zeba A. Ayer enlisted in Company A, Twenty-ninth Maine Infantry, August 30, 1864, and was discharged March 30, 1865, on surgeon's certificate of disability, the disease being stated as phthisis pulmonalis, of four months' duration, and originating after entry into the service. He died August 11, 1865, of consumption.

The claim of his father, Zeba S. Ayer, was rejected on the ground of non-dependence at date of soldier's death, as shown by the assessment records.

These assessment records show that from 1859 to 1872 he was assessed upon a little over 100 acres of land, with a valuation ranging from $1,040 to $1,300. It was a rough, rocky farm, and the son, Zeba A., worked upon it, assisting his father until the time of his enlistment.

There is a great mass of evidence showing that from the time of his son's death and the loss of his assistance the father's little property has steadily disappeared, from his inability to support himself, and he is now in destitute circumstances. Since 1861 he has been suffering from a hernia which obliges him to wear a truss. He is also afflicted with asthma and its concomitant results, and utterly unfitted for manual labor, or for earning a subsistence.

It is a strong case, and there seems to have been some question in the Pension Office as to the propriety of its rejection.

We recommend the passage of the bill.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 725.

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4960.]

The Committee on Pensions, to whom was referred the bill (H. R. 4960) granting a pension to Mary S. Webster, have examined the same, and report:

Your committee adopt the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 773), hereto appended, and recommend that the bill do pass.

This bill was favorably reported to the Forty-fifth Congress by the Committee on Invalid Pensions. After a reinvestigation of the case, your committee decide to adopt that report as its own, which is as follows:

"That the said Charles T. Webster enlisted into the military service of the United States in June, 1861. At the battle of Spottsylvania Court House, in 1864, he lost an arm. For this wound he was discharged and granted a pension, which he continued to draw until he enlisted into the Regular Army, in the Forty-second Regiment United States Army, on the 14th of June, 1867.

"The evidence shows that the claimant was poor, and depended upon the soldier for support.

"After the amputation of his arm he suffered great pain at times, for the relief of which he was accustomed to take opiates.

"On the 9th of January, 1869, his command was stationed at Madison Barracks, New York. On that day he, while suffering the most intense pain from his wound, took a large dose of laudanum, from the effects of which he died.

"The Pension Bureau rejected the claim of his mother for a pension on the ground tha the soldier committed suicide.

"The Surgeon-General says, in substance, that it is his opinion that death resulted from his wound which he received in the service and in the line of his duty. He also says that it is well known that in very many cases mutilations received during the war have led to the habitual use of opiates, and death from an overdose taken to relieve pain consequent upon wounds is held as an accidental consequence of such wound.

"The committee are fully satisfied from the evidence that the death of the soldier was not suicidal, and therefore recommend the passage of the bill with amendments, as follows: Strike out, in the fourth line of the bill, all after the word 'pension-roll' to the word 'subject,' in the fifth line; also all after the word 'infantry,' in the ninth line of the bill."

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 726.

IN THE SENATE OF THE UNITED STATES.

APRIL 22, 1886.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 388.]

The Committee on Military Affairs, to whom was referred the bill (S. 388) to grant the right of way through the Fort Bliss military reservation to the Rio Grande and El Paso Railroad Company, having carefully examined the same, report:

That the Secretary of War, in the following communication to this committee, dated April 8, 1886, approves the passage of the bill:

WAR DEPARTMENT,
Washington City, April 8, 1886.

SIR: In returning herewith Senate bill 388, Forty-ninth Congress, first session, referred by you for information on the 29th ultimo, granting a right of way 100 feet wide through the Fort Bliss military reservation, Texas, I have the honor to invite attention to letters of January 10, 1881, February 24, 1881, and January 30, 1882, from this Department, and to a letter of the 28th of January, 1882, from the Adjutant-General of the Army, copies herewith, from which it will be seen that bills having the same object in view as the one now under consideration have heretofore received the approval of the military authorities of this Department.

There is no objection on the part of this Department to the passage of the present bill.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. JOHN A. LOGAN,
Chairman Committee on Military Affairs, United States Senate.

Your committee therefore recommend the passage of the bill with the following amendment: Strike out "New Mexico," in line 6, and insert "Texas."

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 727.

IN THE SENATE OF THE UNITED STATES.

APRIL 22, 1886.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 677.]

The Committee on Pensions, to whom was referred the bill (S. 677) granting a pension to Seth Colvin, report:

That having carefully examined the papers in the case, the committee adopt the report made by the committee at the last session, which is as follows:

That Seth Colvin enlisted in Company C, One hundred and forty-seventh New York Volunteers, August 21, 1863, and was discharged 14th December, 1863, upon surgeon's certificate, dated December 2, 1863, that he was "incapable of performing the duties of a soldier because of phthisis pulmonalis existing previous to entering the service. He is not physically suitable to enter or re-enlist in the Invalid Corps." In October, 1864, he, however, re-enlisted, and was discharged July 1, 1865. In August, 1879, he filed his application for pension, alleging that he contracted inflammation of the lungs about October 13, 1863, at Brandy Station, Va. The claimant entirely failed to establish the origin of his alleged disability in the service, or to show any incorrectness in the certificate on which he was discharged. The claim was accordingly rejected in 1881, on the ground that the alleged disease of lungs existed prior to enlistment. Subsequently his attorney was notified that any evidence filed to impeach the record would be considered, but no satisfactory evidence was ever produced, and the case was never reopened. The action of the Commissioner in rejecting the claim was correct, and the papers disclose nothing upon which your committee would be warranted in recommending special relief.

We report the bill back to the Senate with the recommendation that it be indefinitely postponed.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 728.

IN THE SENATE OF THE UNITED STATES.

APRIL 22, 1886.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 826.]

The Committee on Pensions, to whom was referred the bill (S. 826) granting a pension to Charles W. Beeman, have carefully examined the same, and respectfully report:

The claimant enlisted in Company G, Eighth Illinois Regiment, September 1, 1861, and was discharged September 1, 1864. This claim is based upon an injury alleged to have been sustained in a railroad accident which occurred January 19, 1863, between La Fayette and Memphis, Tenn., while in the line of duty.

The claimant is unable to furnish the proof as required, and the records of the War Department do not furnish any evidence of the alleged injuries, although they show that a railroad accident occurred at the time stated, in which two men were killed.

Edwin Philbrook, comrade, to whom the claimant refers, states that he was with claimant when the accident occurred, and that the claimant received serious injuries. No other evidence of the injury is produced by the claimant.

Evidence is offered to prove soundness of claimant at enlistment.

There is no record of hospital or regimental treatment, and claimant states he had no medical treatment prior to 1871, but that he used patent medicines. The hospital record shows others were treated for injuries received at the time claimant alleges he received his injuries.

The claim was rejected on the ground that there is no record of alleged injuries, and claimant's inability to furnish any evidence of their origin or existence in service.

Your committee are of the opinion that the claimant has not shown himself entitled to the relief asked for, and recommend that the bill be indefinitely postponed.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 729.

IN THE SENATE OF THE UNITED STATES.

APRIL 22, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4688.]

The Committee on Pensions, to whom was referred the bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas, have examined the same, and report:

The facts in this case are stated in the annexed report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1121), which we adopt, and recommend that the bill do pass.

That the claimant is the widow of Capt. Evan Thomas, whose military record is as follows:

He was appointed second lieutenant Fourth United States Artillery, April 9, 1861; promoted first lieutenant May 14, 1861, and captain August 31, 1864. He received the brevets of captain United States Army December 13, 1862, for gallant and meritorious services at the battle of Fredericksburg, Va., and major United States Army, July 3, 1863, for gallant and meritorious services at the battle of Gettysburg, Pa.

He served with his company at Fort Monroe, Va., from May 1, 1861, to June 14, 1861; on signal duty to December 6, 1861; with battery in Army of the Potomac to June 25, 1862; on sick leave to August 17, 1862; with battery in Army of the Potomac to February 11, 1863; on leave to March, 1863; with battery in Army of the Potomac to July 29, 1863; with Adjutant-General Lorenzo Thomas, engaged in organizing colored troops in Tennessee, Kentucky, and Mississippi to May, 1865; at Washington, D. C., to September 1, 1865; with battery at Forts Baker and Whipple, Va., to November, 1865, and at Fort Washington, Md., to February 9, 1866, and served there with his company to July 20, 1870; on leave to August 26, 1870; with company at Raleigh, N. C., to September 30, 1870; at Fort Monroe, Va., to October 24, 1870; at Graham and Lumberton, N. C., to May 22, 1871; at Shelby and Rutherfordton, N. C., to September 20, 1871; at Charlotte, N. C., to October 13, 1872; *en route* to and at Presidio of San Francisco, Cal., to January 21, 1873, and in the Modoc campaign until killed, April 26, 1873, in action with Modoc Indians at the Lava Beds, California; he was in the battles of the Wilderness, Antietam, Chancellorsville, and both battles of Bull Run.

When he was killed he was on a reconnoitering party with sixty-nine soldiers, artillerymen—no cavalry—into the Lava Beds; was not able to find any of the Modocs until he reached a place where the eruptions of the earth had produced deep caverns in the rock, and where the high cliffs that surrounded them were in the shape of a semicircle, with large crevices in them, in which the Indians were concealed from sight and protected from the fire of Thomas's command. When he had advanced without molestation or having seen any Indians, he was suddenly fired upon from ambush by a cross-fire and a heavy enfilading fire, where it was impossible to advance and difficult to retreat. Finding that it was impossible to save his men, he gallantly determined to sell his life and theirs as dearly as he could, calling upon his men who were panic-stricken, and saying to them, "It is as good a place to die as any—fight

and die like men and soldiers," and many other words of encouragement, he fell, covered with blood, and died, emptying his revolver into the advancing Indians.

He was the son of General Lorenzo Thomas, enlisted in the Army when seventeen years old, displayed in the numerous battles he was engaged in great gallantry and coolness. He was a young officer of exceeding great promise, and great hopes were entertained that he would gain the highest eminence of military fame. He leaves the claimant a widow with two children, who are unfortunately very poor and hard run to support themselves.

Your committee report the bill back with an amendment: Strike out the word "fifty" and insert the word "forty," and with that amendment report that it ought to pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 730.

IN THE SENATE OF THE UNITED STATES.

APRIL 22, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6502.]

The Committee on Pensions, to whom was referred the bill (H. R. 6502) granting a pension to Lucy Ann Drew, have examined the same, and report:

The evidence in support of this claim is set forth very fully in the annexed report of the House Committee (House Report No. 1348), which we adopt, and report the bill with recommendation that it do pass.

The claim of this woman as widow of Samuel Drew was rejected by the Pension Office "on the ground that the soldier died from the effects of intemperance, never having performed any military duty." The claim was reopened, and was again rejected "on the ground that the disease, apoplexy, of which the soldier died, was not a result of his United States service."

The papers show that Samuel Drew enlisted in Company D, Tenth New York Volunteers, as early as the 30th day of April, 1861, for a period of two years, served his time, and received an honorable discharge, being mustered out May 7, 1863. Several letters received from him by his wife during this period have been filed in the case, and their tone discloses the spirit of a good soldier, devoted to his cause, proud of his regiment, and determined to do his duty. We make an extract from one dated Warrenton, Va., November 14, 1862, which may have a bearing, although remote, upon his fatal disease. He writes:

"My health has been very poor this two months or so. Two days after the battle of Antietam, in September—our regiment was in Sykes's division then—we had to follow up the retreat of the rebels across the river Potomac, and we had to wade and swim the river across and back. So we all got wet, and had to lie in our wet clothes for three days. I took a very heavy cold, and it settled in my bowels. I have been laid up for two weeks now, and one week I had to be carried in an ambulance. So you see I have been very bad, and I have fell all away to a mere skeleton, but somewhat better to-day. The medical director of this division is a good friend of the brave boys of Company D, and he will not have one left on the road, the same as some do, but tells me to keep up a good heart, he will send me to Alexandria the first chance he gets. Do not worry, my dear, about me. My dear, I will get good care, and then I will pick up again."

In regard to his second enlistment the Adjutant-General reports the following from the records of his office:

"Samuel Drew, a private recruit of Company ——, First Regiment New York Engineer Volunteers, was enrolled on the 31st day of July, 1863, at New York, for three years, and is reported on regimental return for October, 1863, as an unassigned recruit. Died August 11, 1863, at New York, of disease. Name not borne on rolls of any company First New York Engineer Volunteers. 'Is a veteran volunteer by reason of former service in Company D, Tenth New York Volunteers.'"

The Surgeon-General reports:

"It appears from the records filed in this office that Samuel Drew, private Company L, First New York Engineers, was admitted to post hospital, Sprague Barracks, Staten Island, New York Harbor, August 11, 1863, with apoplexy, and died August 11, 1863; cause of death apoplexy."

Another opinion as to cause of soldier's death is found in a letter from Vincent W. M. Brown, a captain in the First New York Engineers, dated July 13, 1886, and in the following terms:

"In reply to your note of the 5th instant, I would say that Samuel Drew was a recruit to the First New York Volunteer Engineers Regiment in the summer of 1863, and was never assigned to any company. He joined the regiment in July, but did not go into camp until a few days before his death. In the mean time kept himself as full of *rum* as it was possible to be, from the effects of which and heat combined he died shortly after being sent to the camp for recruits. He was never sent to the field; never did *any* service; and his heirs, in my opinion, never had any *just* claim on the Government."

In connection with this letter we present the following extract from a Pension Office slip, which we find on file.

"The rejection was based on the statement made by Captain Brown, as per inclosed letter. It does not appear that the intemperance would of itself have resulted in death. On the other hand, it is alleged by claimant, and admitted in part by the captain, that the soldier died from the effects of heat.

So the widow's claim was rejected upon one *ex parte* statement, made off-hand, free and easy. The quotation last given contains its own commentary upon its own decision.

The widow's application, made soon after soldier's death, in 1864, shows she then understood he died of sunstroke. This idea is corroborated by even the brusque Captain Brown when he kicks the widow out of court with the statement that she has no just claim, because her husband died from the effects of rum "*and heat combined.*" The hospital records say "apoplexy."

We are clearly of opinion that injustice has been done this woman. After two years' honorable service her husband re-enlisted, and died in the service soon after. She has lived without husband and without pension for more than twenty years, and is now needy and blind.

We recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 731.

IN THE SENATE OF THE UNITED STATES.

APRIL 22, 1886.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 924.]

The Committee on Pensions, to whom was referred the bill (S. 924) granting a pension to Ellen Shea, respectfully submit the following report:

The claimant filed her application on July 1, 1884, alleging that her son, Michael Shea, had contracted a fever in the Army, which resulted in insanity, and that, having wandered from home, he lost his life by reason of a snow-slide which occurred at Woodstock, Colo., on March 10, 1884.

Mrs. Ellen Shea is a widow, seventy-six years of age, lives at Chicago, and is in poor circumstances.

The deceased soldier, Michael Shea, enlisted on January 13, 1862, in Company A, Thirteenth Illinois Volunteers. He is reported sick in 1863, and sick on furlough, but the nature of the ailment does not appear. He returned to the service, and was discharged January 20, 1865.

The physician who treated Michael Shea during his furlough testifies that he had brain fever; that he returned to the Army, but never after had the right use of his mind, and could not support himself.

The claim was rejected by the Pension Department on the ground that the soldier's death was not a result of the service; but your committee are of the opinion that the cause of death may reasonably be traced to the insanity contracted in the service, and that therefore this claim for a pension may properly be allowed.

Your committee therefore respectfully report the bill back with a recommendation that it do pass.

O

ɔTH CONGRESS, 1st Session. | SENATE. | REPORT No. 732.

IN THE SENATE OF THE UNITED STATES.

APRIL 26, 1886.—Ordered to be printed.

r. PLUMB, from the Committee on Appropriations, submitted the following

REPORT:

[To accompany bill H. R. 5887.]

ie Committee on Appropriations, to whom was referred the bill (H. R. 5887) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1887, submit the following report:

POSTAL SERVICE.

ıount of estimates for 1887	$54,986,166 89
ıount of bill as passed the House	54,326,589 07
:rease made by the Senate Committee	839,274 18
Total as reported to the Senate	55,165,863 25
ıount of appropriations for 1886	53,700,990 00
timated postal revenues for 1887	47,542,252 64
ɔrease made by the bill as reported over the estimate	179,696 36
ɔrease made by the bill as reported over appropriations for 1886	1 464,873 25
e bill as reported exceeds the estimated postal revenues for 1887	7,623,610 61

The items of increase made by the committee are as follows:

ır necessary and special facilities on trunk lines	$39,274 18
ır transportation of foreign mails by American built and registered steamships to Brazil, Mexico, Central and South America, the Sandwich, West India, and Windward Islands, New Caledonia, New Zealand, and the Australian colonies, Japan, and China	800,000 00
Total increase made to House bill	839,274 18

The following table shows in a comparative way the appropriations ır the fiscal year 1886; the estimates submitted for the fiscal year 1887; ıe amounts provided by the House bill; and the amounts recommended ν the Senate Committee on Appropriations:

Comparative statement, showing the appropriations for 1886; *the estimates for* 1887; *the amounts of House bill; and the amounts recommended by the Senate Committee on Appropriations for* 1887.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate Committee, 1887.
Office of the Postmaster-General.				
For mail depredations and post-office inspectors	$200,000 00	$250,000 00	$200,000 00	$200,000 00
Advertising	20,000 00	20,000 00	20,000 00	20,000 00
Miscellaneous items	1,500 00	1,500 00	1,500 00	1,500 00
Total	221,500 00	271,500 00	221,500 00	221,500 00
Office of the First Assistant Postmaster-General.				
Compensation to postmasters	12,300,000 00	12,000,000 00	11,700,000 00	11,700,000 00
Compensation to clerks in post-offices	5,150,000 00	5,150,000 00	5,150,000 00	5,150,000 00
Rent, fuel, and light	490,000 00	510,000 00	495,000 00	495,000 00
Office furniture	30,000 00	35,000 00	25,000 00	25,000 00
Miscellaneous and incidental items	80,000 00	80,000 00	70,000 00	70,000 00
Free delivery service	4,485,000 00	4,928,531 25	4,928,531 25	4,928,531 25
Stationery in post-offices	65,000 00	55,000 00	55,000 00	55,000 00
Wrapping-twine	85,000 00	80,000 00	80,000 00	80,000 00
Wrapping-paper	35,000 00	30,000 00	30,000 00	30,000 00
Letter-balances, scales, and test-weights	20,000 00	10,000 00	10,000 00	10,000 00
Post-marking and rating stamps, ink and pads	20,000 00	30,000 00	30,000 00	30,000 00
Total	27,760,000 00	22,908,531 25	22,573,531 25	22,573,531 25
Office of Second Assistant Postmaster-General.				
Inland transportation by star routes	5,900,000 00	5,850,000 00	5,850,000 00	5,850,000 00
Inland transportation by steamboat routes	615,000 00	575,000 00	575,000 00	575,000 00
Mail-messenger service	975,000 00	900,000 00	900,000 00	900,000 00
Mail-bags and mail-bag catchers	275,000 00	275,000 00	260,000 00	260,000 00
Mail locks and keys	20,000 00	20,000 00	20,000 00	20,000 00
Inland transportation, railroad routes	14,010,000 00	15,725,432 00	15,595,432 00	15,595,432 00
Railway post-office car service	1,765,026 00	1,888,577 82	1,808,000 00	1,808,000 00
Railway postal clerks	4,682,300 00	4,877,000 00	4,800,000 00	4,800,000 00
Necessary and special facilities on trunk lines	266,764 00	251,725 82	251,725 82	291,000 00
Miscellaneous items	1,000 00	1,000 00	1,000 00	1,000 00
Total	28,510,090 00	30,363,735 64	30,061,157 82	30,100,432 00
Office of Third Assistant Postmaster-General.				
Manufacture of postage stamps	174,000 00	116,700 00	116,700 00	116,700 00
Pay of agent and expenses of stamp agency	8,100 00	8,100 00	8,100 00	8,100 00
Manufacture of stamped envelopes, wrappers, &c	745,000 00	583,500 00	583,500 00	583,500 00
Pay of agent and expenses of stamped-envelope agency	16,000 00	16,000 00	16,000 00	16,000 00
Manufacture of postal cards	239,000 00	188,600 00	188,600 00	188,600 00
Pay of agent and expenses of postal-card agency	7,300 00	7,300 00	10,300 00	10,300 00
Registered package, official, and dead-letter envelopes	140,000 00	67,200 00	67,200 00	67,200 00
Ship, steamboat, and way letters	2,000 00	2,000 00	2,000 00	2,000 00
Engraving, printing, and binding drafts and warrants	2,000 00	2,000 00	2,000 00	2,000 00
Miscellaneous items	1,000 00	1,000 00	1,000 00	1,000 00
Total	1,334,400 00	992,400 00	995,400 00	995,400 00
Office of Superintendent Foforeign Mails.				
Transportation of foreign mails	800,000 00	350,000 00	375,000 00	375,000 00
Transportation of foreign mails by American built and registered steamships to Brazil, Mexico, Central and South America, the Sandwich, West India, and Windward Islands, New Caledonia, New Zealand, and the Australian colonies, China and Japan				800,000 00
Balances due foreign countries	75,000 00	100,000 00	100,000 00	100,000 00
Total	875,000 00	450,000 00	475,000 00	1,275,000 00
Total for postal service	53,700,990 00	54,986,166 89	54,326,589 07	55,165,863 25

Comparative statement showing the appropriations for 1866, *&c.*—Continued.

Object.	Appropriations, 1886.	Estimates, 1887.	House bill, 1887.	Senate Committee, 1887.
Recapitulation.				
Office of the Postmaster-General	$221,500 00	$271,500 00	$221,500 00	$221,500 00
Office of the First Assistant Postmaster-General	22,760,000 00	22,908,531 25	22,573,531 25	22,573,531 25
Office of the Second Assistant Postmaster-General	28,510,090 00	30,363,735 64	30,061,157 82	30,100,432 00
Office of the Third Assistant Postmaster-General	1,334,400 00	992,400 00	995,400 00	995,400 00
Office of Superintendent of Foreign Mails	875,000 00	450,000 00	475,000 00	1,275,000 00
Total	53,700,990 00	54,986,166 89	54,326,589 07	55,165,863 25

The following table shows the receipts and expenditures of the Post-Office Department from July 1, 1836, to June 30, 1885:

Comparative statement of the receipts and expenditures of the Post-Office Department from July 1, 1836, *to June* 30, 1885.

Year.	Receipts.			Expenditures.
	Revenue.	Treasury grants.	Total.	
1837	$4,945,668 21		$4,945,668 21	$3,288,319 03
1838	4,238,733 46		4,238,733 46	4,430,662 21
1839	4,484,656 70		4,484,656 70	4,636,536 31
1840	4,543,521 92		4,543,521 92	4,718,235 64
1841	4,407,726 27	$482,657 00	4,890,383 27	4,499,527 61
1842	4,546,849 65		4,546,849 65	5,674,751 80
1843	4,296,225 43		4,296,225 43	4,374,753 71
1844	4,237,287 83		4,237,287 83	4,296,512 70
1845	4,289,841 80		4,289,841 80	4,320,731 99
1846	3,487,199 35	750,000 00	4,237,199 35	4,076,036 91
1847	3,880,309 23	12,500 00	3,892,809 23	3,979,542 10
1848	4,555,211 10	125,000 00	4,680,211 10	4,326,850 27
1849	4,705,176 28		4,705,176 28	4,479,049 13
1850	5,499,984 86		5,499,984 86	5,212,953 43
1851	6,410,604 33		6,410,604 33	6,278,401 68
1852	5,184,526 84	1,741,444 44	6,925,971 28	7,108,450 04
1853	5,240,724 70	2,225,000 00	7,495,724 70	7,982,756 59
1854	6,255,586 22	2,736,748 96	8,992,335 18	8,577,424 12
1855	6,642,136 13	3,114,542 26	9,756,678 39	9,968,342 29
1856	6,920,821 66	3,748,881 56	10,669,703 22	10,405,286 36
1857	7,353,951 76	4,528,004 67	11,881,956 43	11,508,057 93
1858	7,486,792 86	4,679,270 71	12,166,063 57	12,722,470 01
1859	7,968,484 07	3,915,946 49	11,884,430 56	11,458,083 63
1860	8,518,067 40	11,154,167 54	19,672,234 94	19,170,609 89
1861	8,349,290 40	4,639,806 53	12,989,102 93	13,606,759 11
1862	8,299,820 90	2,598,953 71	10,898,774 61	11,125,364 13
1863	11,163,789 59	1,007,848 72	12,171,638 31	11,314,207 84
1864	12,438,253 78	749,980 00	13,188,233 78	12,644,786 20
1865	14,556,158 70	3,968 46	14,560,127 16	13,694,728 28
1866	14,436,986 21		14,436,986 21	15,352,079 30
1867	15,297,026 87	3,991,666 67	19,288,693 54	19,235,483 46
1868	16,292,600 80	5,696,525 00	21,989,125 80	22,730,592 65
1869	18,344,510 72	5,707,115 30	24,051,626 02	23,698,131 50
1870	19,772,220 65	4,022,140 85	23,794,361 50	23,998,837 63
1871	20,037,045 42	4,126,200 00	24,163,245 42	24,390,104 08
1872	21,915,426 37	4,933,750 00	26,909,176 37	26,658,192 31
1873	22,996,741 57	5,690,475 00	28,987,216 57	29,084,945 67
1874	26,471,071 82	5,922,433 55	32,393,505 37	32,126,414 58
1875	26,791,360 59	6,704,646 96	33,496,007 55	33,611,309 45
1876	28,634,197 50	5,088,583 03	33,722,780 53	33,263,487 58
1877	27,531,585 26	7,013,300 00	34,544,885 26	33,486,322 44
1878	29,277,516 95	5,307,652 82	34,585,169 77	34,165,684 49
1879	30,041,982 86	3,297,965 25	33,339,948 11	33,449,899 45
1880	33,315,479 34	3,597,717 20	36,913,196 54	36,542,803 68
1881	36,785,397 97	3,297,921 46	40,083,319 43	39,592,566 22
1882	41,876,410 15	6,595 12	41,883,005 27	40,482,021 23
1883	45,508,692 61	21,416 85	45,530,109 46	43,282,944 43
1884	43,335,958 81	140,690 79	43,466,649 60	47,224,560 27
1885	42,560,843 83	6,066,473 00	48,627,316 83	50,046,235 21

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 733.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4905.]

The Committee on Pensions, to whom was referred the bill H. R. 4905, granting a pension to Aaron C. Johnson, having examined the same, do report as follows:

The committee find upon investigating this case that the claimant's record of service extended through the entire war; that he enlisted as a captain of the Twelfth Independent Ohio Battery, June 8, 1861, and was mustered out a lieutenant-colonel at the close of the war. His claim for pension is based upon chronic diarrhea and heart disease contracted while in the line of his duty, in 1864 and 1865. His claim was rejected apparently upon the following medical testimony:

"Chronic diarrhea;" says he has none now. "Disease of heart;" says he had metastatic rheumatism about thirty years ago, and that while in the service, riding on a march, he began to have short breathing and trouble with his heart. We find an extremely irregular heart-beat, intermittent, with unusually well marked mitral regurgitation. He is in his present condition totally disabled for manual labor. While the disability may not have developed until after he was exposed in the service, the probability is that the rheumatism, occurring prior to his entering the service, was the cause of his heart disease.

The following extracts from the report of the House Committee on Invalid Pensions clearly sets forth further evidence tending to show that the claim of the soldier is a valid one.

Dr. Taylor, the assistant surgeon of claimant's regiment swears that claimant contracted chronic diarrhea in the service, and that he treated him for the same. And Dr. Harlow, of Washington Court House, Ohio, testifies that he has known him intimately for twenty-five years; that he was sound and healthy when he enlisted; that he returned from the war with chronic diarrhea and heart trouble, and that he treated him for the same at various times, until about 1880 claimant moved to Iowa.

Dr. H. C. Coffman, of same place, also testifies:

I was acquainted with Dr. A. C. Johnson before, during, and after the war. I was his family physician several years preceding the rebellion. I was well acquainted with him at the time of his enlistment, and know him to have been a sound and healthy man. After his return home at the close of the war I prescribed for him frequently for chronic diarrhea every summer while he remained in the vicinity. He also was complaining at the same time with heart trouble, such as palpitation and a smothering sensation. For heart I gave him no treatment as I now remember.

O. A. Allen, M. D., Washington Court House, Ohio, testifies practically the same, and that he examined him for life insurance in 1865 or 1866, and that on his report the company rejected him.

Dr. I. D. Payne, Linden, Iowa, testifies:

Have known claimant since September, 1880, having been his attending physician. Have treated him at different times for chronic diseases that I have reason to believe date back many years prior to my first treatment. Find him afflicted with mitral lesions of the heart-valves, chronic, also has chronic dysintery, condition existing at the time of my first acquaintance with him. Has been much of the time, on account of chronic dysentery, confined to his bed and room, and never being free from relapses of the disease but a short time at once. There has been a gradual decline in his health, on account of above diseases, since my first treatment and knowledge of his case in September, 1880.

With such an array of testimony as to prior soundness and constant and continued disability since, and in view of his four full years of arduous service, it seems hardly fair to fix upon a single attack of rheumatism of thirty years ago as the prime cause of his disability.

The committee therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 734.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1106.]

The Committee on Pensions, to whom was referred the bill (H. R. 1106) granting a pension to Mary B. Carll, have examined the same, and report as follows:

The committee find upon investigating this case that Erastus B. Carll enlisted in Company F, Second Massachusetts Infantry, on May 24, 1861, was mustered out a first lieutenant on May 30, 1864, and died November 9, 1878. The claimant is his widow.

The following testimony shows that prior to enlistment he was a sound, robust man, and in good health, and that while in the Army he contracted malarial disease.

Colonel Cogswell, of his regiment, in his evidence, says that the "soldier was in good health when he entered the service, and in feeble health when discharged." First Lieutenant Morse, Company I, same regiment, testifies to the same facts.

Dr. J. A. McDonald, of Boston, Mass., family physician, and who attended soldier in his last sickness, testifies:

He had frequent attacks of intermittent malarial chills, chronic enlargement of liver and spleen, great debility, extreme emaciation, cough and night sweats. During the two months I attended him previous to his death the above symptoms constantly increased, until four days previous to his death pleuro-pneumonia supervened and hastened a result which, even without the latter disease, would inevitably follow in the course of a few weeks. The acute attack in this case was caused largely, if not wholly, by the previous exhausted condition of patient. I am decidedly of the opinion that the essential cause of death was the chronic disease which he contracted in the Army, and I am led to this conclusion by the fact that the pneumonia was so slight that it would not have occurred were it not for the condition of his system from the wasting effects of the malarial hepatic and previous lung disease which had so invaded his system.

C. C. L. Moore, of Malden, Mass., testifies:

That he knew soldier before the war. He was then in robust health, able-bodied; he resided at my father's house for two years, 1858–'59; never knew of his being sick or complaining. I next saw him in August, 1864; he was in a car with me. He had changed so much I would not have recognized him had he not spoken to me and told me who he was. His voice was very weak and he seemed to be a changed man. I obtained employment for him in one of the storehouses in the navy-yard at Charlestown under my charge. He was run down in health, and while he remained in the yard he was a constant sufferer from what he said was malarial poison. He appeared

stupid a great part of the time; his mind at times seemed to wander; he had but very little strength, and if he sat down he would be apt to fall asleep. He was a man of good moral character, temperate, and industrious. He worked under me up to the time he was taken ill with his last sickness.

Two of his friends and neighbors, Hugh McKenna and Mary Galvin, testify that to the day of his death the soldier complained of and suffered from malarial poison in his system.

The committee think the proof conclusive as to the validity of the claim, and recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 735.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

r. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4903.]

he Committee on Pensions, to whom was referred the bill granting a pen-ion to Christian Smarzo, have examined the same, and report as follows:

The committee have examined the papers in this case thoroughly, id find the report of the House Committee on Invalid Pensions, ough brief, yet complete in its statement of the facts. They therefore lopt said report, which is as follows:

That Christian Smarzo was an employé in the Quartermaster's Department, United ates Army, during the war of the rebellion, and that while so employed as a fire-an on a locomative engine, near Big Shanty, Ga., on the 25th of September, 1864, e train was attacked and captured by the enemy; claimant was wounded by a gun-ot wound in left side, taken prisoner, held as such for three months, paroled, fur-ughed for three months, and then returned to same duty.

His application for pension was rejected on the ground that "he was not in the ilitary service of the United States at the date of receipt of wound." It is true aimant was not enlisted and mustered into the service, but he was performing a ost perilous yet meritorious service, one that required a very high order of courage id soldierly valor. He was wounded and taken prisoner while at his post of duty, id as richly deserves reward as does he who fought with gun or sword.

This committee concur in the foregoing opinion, and unite with the ouse committee in recommending the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 736.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3141.]

The Committee on Pensions, to whom was referred the bill (H. R. 3141) granting a pension to Polly Hall, have examined the same, and report as follows:

The following extracts from the report made on this case by the House Committee on Invalid Pensions give a clear and concise summary of the facts therein and the medical evidence submitted:

That Polly Hall is the mother of Amos L. Hall, late a corporal of Company G, Fourth Regiment Michigan Volunteer Infantry, who enlisted May 16, 1861, for three years or during the war, and on the 27th day of June, 1862, at the battle of Gaines Hill, Va., he received a gunshot wound in the right thigh, by reason of which he was discharged September 6, 1862. He applied for and received a pension at the rate of $8 per month until his death, February 26, 1881.

The files in the case show that shortly after his discharge he became partially insane and gradually grew worse, and finally was, April 12, 1871, sent to the Government Hospital for the Insane, at Washington, where he died, as stated, February 26, 1881.

January 9, 1882, the mother of this soldier, Polly Hall, applied for a pension as a dependent mother, which was rejected on the gronnd that the insanity and ultimate death of the soldier was not attributable to the wound received in the service.

Upon this question the evidence before the Pension Office, both medical and lay, is conflicting. On the 13th of December, 1870, the soldier in the case applied for an increase of pension, and it was finally referred to a special examiner, who submitted a report February 17, 1873, in which he says:

"Amos Hall applied for increase of pension; he was pensioned for gunshot wound of the right femur from September 13, 1862, at $8 per month; he now applies, by his legal guardian, for an increase, alleging that the disability has greatly increased and has resulted in insanity. The mother of claimant testifies that her son came home to Clinton, Mich., the latter part of September, 1862, very thin in flesh, and was very nervous, restless at night, and subject to spasms and fits."

Dr. Philip Reeder, of Cleveland, ex-surgeon, says:

"He first visited claimant in 1865; he was insane at the time; I am inclined to the opinion that the epilepsy and the insanity had its origin in the exposure and extremity of mind to which he was subjected. I have observed nothing in the soldier's habits or practices which, in my judgment, could produce his present mental and physical condition."

Dr. John Dickenson, late assistant surgeon Thirtieth Ohio, and surgeon of One hundred and ninety-fifth Volunteer Infantry, says:

"I am acquainted with Amos Hall. I examined him at the time he was sent to the Soldier's Home with a view of ascertaining whether his insanity was the result of military service. I reached an affirmative conclusion."

D. S. Oliphant, M. D., testifies:

"That previous to his being wounded he was sound in mind and body; that owing to exposure after being wounded, being three days and nights on the battle-field before removal, he contracted brain fever, and was three months confined to hospital and discharged with shattered intellect, and has since lapsed into a state of incurable insanity."

Dr. J. C. Stanton examined claimant June 13, 1872, and finds gunshot wound and insanity, and rated him total first grade. The mother and sister of soldier both testify under oath that no member of their family was ever insane, to their knowledge; that claimant was a man of excellent habits and good health when he entered the service. He returned home in September, 1862, and had spasms from the day of his arrival, and was out of his mind much of the time; that they kept him at home as long as they could. The special examiner closes his report by recommending that the pension be increased to total first grade, $31.25. The report was not concurred in, for the reason that the medical examiners were not able to arrive at the conclusion that insanity was the result of his service.

The mother's claim was also rejected, on the ground that the death of the soldier was not traceable to the injury received in the service.

There is no question but that Polly Hall is the mother of Amos Hall; that she was dependent on him for support. Her husband is dead; she has no other children to support her; she is now eighty-four years of age, living on the charity of friends and contributions of Grand Army of the Republic posts.

In view of these facts, and that it is fair to presume that the suffering and exposure of the wounded soldier caused the brain fever resulting in insanity and death, your committee recommend the passage of the bill.

From their examination of the papers this committee reach the same conclusions, and therefore recommend the passage of the bill.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 737.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3546.]

The Committee on Pensions, to whom was referred the bill (H. R. 3546) granting a pension to Amanda Housell, have examined the same, and report as follows:

The committee, upon due consideration of this case, find the facts distinctly set forth in the report of the House Committee on Invalid Pensions as, follows:

It appears from the testimony in this case that John M. Housell, the husband of claimant, enlisted August 13, 1861, in Company C, Fourth Regiment New Jersey Volunteers, and was discharged October 29, 1862, upon a surgeon's certificate of disability because of "chronic diarrhea, which resists all treatment; sick six months.' He re-enlisted June 20, 1864, in Company E, Eighth Regiment Maryland Volunteers, and was transferred to Company K, First Regiment Maryland Volunteers, and was mustered out August 1, 1865, at Washington, D. C., upon individual muster-out roll, as from general hospital, Alexandria, Va. The records of Lickle Hospital, Virginia, show that he was discharged from the service August 4, 1865, and was paid in full on same date at Washington, D. C., since which date his whereabouts have been unknown.

The claimant, believing her husband to be dead, filed a claim for pension as widow April 9, 1881, and the claim was rejected on the ground "that there is no record at the War Department of the date and cause of death of the soldier, and the claimant has declared her inability to prove the same."

The case was appealed to the honorable Secretary of the Interior. In transmitting the papers, the Commissioner of Pensions says:

Whether his death was actually caused by the disease contracted in the service, or by events not due to his service, is a question that cannot be determined by the facts before us.

The Commissioner has no authority under the law to presume a result; he must decide questions on the facts presented, and in this instance it is clear that the soldier's death cannot be definitely charged to the service. The case seems to be worthy of consideration by Congress with a view to special legislation to give title.

The Secretary of the Interior sustained the action of the Commissioner of Pensions in rejecting the claim, and in his opinion uses the following language:

The presumption that the soldier is dead is very great, and the presumption that he died from chronic diarrhea and shortly after discharge is also great. The Department concurs in the opinion expressed in your report, quoted above, that you have no authority under the law to grant a pension in this case; and further, the Department concurs with you in the opinion that the case seems worthy of special legislation.

All the evidence goes to prove the good health and physical soundness of the soldier prior to enlistment, and further, bears out the expressed opinion of the Secretary of the Interior that his death occurred soon after his discharge.

This committee concur in the recommendation made by the said House committee, that the bill do pass.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 738.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3753.]

The Committee on Pensions, to whom was referred the bill (H. R. 3753) granting a pension to John D. James, have examined the same, and report as follows:

The committee find the report of the House Committee on Invalid Pensions to be full and accurate as to the evidence and facts in this case, and therefore present and adopt the same as their report. It is as follows:

John D. James, late private Company H, Third Regiment, Pennsylvania Artillery, filed his application for pension March 29, 1882, alleging disability from spinal wound received at Baltimore Pike, Maryland, June 30, 1863, caused by his horse falling and by such fall the hammer of his revolver penetrated his spine and caused injury. The application was rejected May 23, 1885, on the ground that there was no record of alleged injury. The claimant proved that prior to the time of enlistment he was in good sound health and was free from injury to spine.

The reports from Surgeon-General show that he entered Sutterlie general hospital, West Philadelphia, Pa., July 5, 1863, with rheumatism, the case-book showing debility, headache, and considerable pains in side and limbs, and after being transferred from one hospital to another was returned to duty December 7, 1863, being discharged from Convalescent Camp, Virginia, January 16, 1864, upon certificate of disability. The reports from Adjutant-General show that claimant enlisted in said company October 31, 1862, and the rolls for July and August report him absent, sick in United States general hospital at Chester, Pa., to December 31, 1863, January and February, 1864, and discharged for disability at Washington, D. C., January 16, 1864, the nature of illness not stated, and the regimental hospital records not on file.

Dr. F. J. Bancroft, the surgeon of the regiment, testifies that claimant was a sound man prior to his enlistment; that he knew him before his enlistment into the service, and examined him at the time of his enlistment, and found no weakness of the spine existed at that time. He further says that he believes he treated him for injury to spine during term of service. Claimant expressed his inability to furnish the testimony of the officers or comrades of his company, because he has never been able to ascertain their whereabouts; that the captain, he has been informed, is dead, and his comrades so scattered about that it is impossible to find them; that one is in Germany, but though having written him repeatedly has never heard from him. It is shown that since his discharge claimant has been a constant sufferer from spinal derangement and unable to perform anything but light labor, and laid up with illness resulting from derangement of the spine a considerable part of the time, and in the enjoyment of very poor health, and incapacitated for even light labor fully one-half the time. The medical evidence filed shows frequent treatment since discharge for spinal derangement, and the examining surgeon, in reporting claimant two-thirds incapacitated for manual labor, says:

"I find there has been an injury at about the eleventh dorsal vertebra, and quite tender for about 6 inches, and remember him being in county hospital for several

months in 1878, with trouble in his back. He says he is not able to lift a pail of water without causing pain in the back."

Your committee believe this to be a deserving case, and though claimant has been unable to prove it, from the evidence presented and hospital records are of the opinion that the injury to spine was contracted, as alleged, in the service and line of duty, and therefore recommend the passage of the bill.

In this belief and recommendation this committee concur.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 739.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3478.]

The Committee on Pensions, to whom was referred the bill (H. R. 3478) granting an increase of pension to Alonzo Maynard, have examined the same, and report as follows:

That they have critically examined all the papers and testimony in this case, and unhesitatingly agree with the conclusions reached by the House Committee on Invalid Pensions therein, and herewith present and adopt the House report, as follows:

Alonzo Maynard enlisted in Company I, Eleventh Connecticut Volunteers, and was discharged March 25, 1863, for gunshot wound received at Antietam. He applied for and received a pension on certificate 18040, October 6, 1863, at the rate of $8 per month, which has been increased from time to time until June 4, 1872, he was rated $31.25, which he received until March 15, 1884, when, upon application for increase, it was rejected, and under order No. 35 he was reduced to $30 per month, the reason being given that the disability from which he was rendered helpless, requiring aid and attention, was rheumatism, a disability not proved.

The evidence in this case discloses that the man has suffered terribly ever since discharge from the gunshot wound to right lung, which injured his spine and resulted in total incapacity for any manual labor.

E. F. Parsons, of Enfield, Conn., practicing physician, testifies he has treated claimant at different times during the past five years (1879 to 1884); that he is suffering from deformity and disability, resulting from his wounds, from rheumatism, making his right arm nearly helpless; that the diminution of aerating surface in the lungs from loss of lung tissue causes great dyspnœa on exercise, which, together with rheumatism of his legs and feet, cripples him to that extent he can walk only a few rods at a time; that his disabilities render him practically helpless.

Drs. Jarvis and Fuller, examining surgeons at Hartford, say:

"Two balls entered near the right side of the spinal column, at the third dorsal vertebra. There are four deep cicatrices in this region, covering a space perpendicularly of 6 inches by 4 horizontally. There are four cicatrices between the clavicle and scapula. In front, right side, there is one large cicatrix on the point of the shoulder, one directly above and one below the inner half of the clavicle, one just to the inner side of the mamma, and one just below the nipple, causing much contraction of the mammary gland. The lung was apparently riddled. Soldier says he was hit with bullet and buckshot."

R. Strickland, Enfield, Conn., examining surgeon, says, September 11, 1883:

"What remains of right lung of little use for purpose of respiration; dullness on percussion over whole lung; left lung nearly sound right arm nearly useless from extensive caries and loss of bone of shoulder, following the wound. Left arm he can use only in a very limited degree, resulting from wound; rheumatism. His urine dribbles from him, being unable to retain it. Has a cough, which at times is quite troublesome; yet with all these symptoms he is fat and eats well. He appears nearly helpless and demands the regular aid of another person."

J. R. Lewis, examining surgeon, Rockville, Conn., October 2, 1885, says:

"The track of the wound involves the upper right lung, and has resulted in suppuration and absorption of the greater portion o said lung; the upper and lower

extremities have become dropsical, and the patient is helpless, or so nearly as to require the constant personal aid and attendance of another person. Large burrowing abscesses frequently form upon the chest."

Photographs exhibited to the committee of this soldier show both breast and back views, both of which are covered with deep and long scars. The right shoulder is apparently several inches lower than the left, and the soldier is drawn out of shape.

Your committee, after a careful consideration of all the evidence in the case, which is mostly professional, are of the opinion the rating of this pensioner should be advanced. They would therefore recommend the passage of the accompanying bill as amended by substituting the word "forty," in the seventh line, for the word "fifty."

This committee recommend the passage of the bill as amended.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 740.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4134.]

The Committee on Pensions, to whom was referred the bill (H. R. 4134) for the relief of Margaret Callanan, have examined the same, and report as follows:

Eugene Callanan was a private in Company F, Second Regiment New Jersey Volunteers, and while home on a furlough, dated February 10, 1864, for 35 days, died of typhoid pneumonia on March 18 of that year.

The claim of Margaret Callanan, his widow, for pension was rejected on the ground that the disease of which he died did not arise while in the service and in the line of duty.

While the claimant cannot testify as to the origin of the disease, she affirms that he was unwell on his arrival home and was suffering from a bad cough.

Dr. Lyman M. Crane testifies that he was first called to visit soldier March 12, 1864, and found him very ill with inflammation of the lungs. He had been complaining from the time he got his furlough, and had a bad cough till he was taken down to his bed the day the doctor was called to see him. In answer to question put in affidavit, "Is it possible that he could have contracted such disease subsequent to February 10, 1864?" he says:

> I think not. His disease assumed a typhoid form very different from any inflammatory disease prevalent in this latitude at the time. In my opinion he contracted the disease of which he died from exposure and fatigue in the United States Army previous to getting his furlough. The United States hospital physician at Newark, N. J., requested me to make affidavit to his condition and send it on, which I did accordingly.

This appears to be conclusive, and the committee therefore recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 741.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4884.]

The Committee on Pensions, to whom was referred the bill (H. R. 4884) granting a pension to Rose A. McManus, have examined the same, and report as follows:

The committee find upon an examination of the papers in this case that the claimant is the widow of Isaac McManus, late a captain of Company G, One hundred and second Illinois Infantry, who died in January, 1870. They also find that the widow made application for pension in June, 1880, and that the same was rejected by the Department on the ground that "soldier's death was not due to his military service."

The report of the Pensions Committee of the House gives the following brief statement of the case:

Captain McManus enlisted August 14, 1862, and was mustered out June 6, 1865. On June 15, 1864, in battle at Lost Mountain, Georgia, he was severely wounded in the arm, the ball entering the arm just above the elbow and passed out near the shoulder, from which wound he never fully recovered. On January 1, 1870, he was taken with small-pox, and died January 15, under the circumstances as shown in the following affidavit of his family physician, Dr. C. L. Hollingsworth:

"Soldier had gunshot wound of the humerus, caries of bone being present. We finally concluded on the excision of a part of the humerus, which operation was performed by his regimental surgeons, Drs. Hamilton and Stonway, both now dead, assisted by others. They tried to form a continuity of the bone, but failed, but the soft parts finally healed up, with the exception of a complete fistula, which I succeeded in healing up in 1868, leaving the arm with a false joint. On the 1st day of January, 1870, I was called to see him and found him in the primary stage of small-pox, complaining of no unusual symptoms except his lame arm, and of that he complained bitterly, and especially of the pain in the palm of his hand. He passed through the various gradations of the small-pox without any unusual or unfavorable symptoms except the condition of said arm, which swelled up and assumed an erysipelatous inflammation, and the eruption never appeared on that arm during the whole course of the disease, while the eruption passed through the usual changes on the rest of his body with favorable indications. The local difficulty seemed to increase in the lame arm until about the thirtieth day, when, by metastasis, the unusual excitement in his arm concentrated in his brain, and the result was death in about thirty-six hours."

The logical conclusion is that death was superinduced by the condition of the wounded arm. Dr. Marshall also testifies to the dangerous condition of the arm and its serious effects upon the claimant's system.

The House report concludes as follows:

Hon. E. H. Conger, now a member of this House and of this committee, certifies that he served in the same regiment with Captain McManus during the war; saw him wounded; that he was one of the most gallant officers in the command; that he was

a man of strong physique and robust health before he was wounded; that he saw him again in 1867, more than three years after he was wounded and more than a year after surgical operation had been performed on his arm. The arm was hanging useless by his side, with the wound still discharging pus, and the captain a mere physical wreck of his former self.

While it cannot be absolutely demonstrated that the wounded and diseased arm was the cause of Captain McManus's death, yet in view of all the circumstances it is a fair presumption that it was *one* of the causes. He was a brave and faithful officer, served through three years of war, returned to his family a cripple and invalid, and a constant sufferer until his death. His widow is old and poor and should be placed on the pension-roll. Your committee therefore recommend the passage of the bill, after amending it by striking out the words "a member of the," in the fifth and sixth lines, and inserting "captain of Company G."

The committee concur in the recommendation for the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 742.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To acccompany bill H. R. 4586.]

The Committee on Pensions, to whom was referred the bill (H. R. 4586) for the relief of Nathan Hildabrant, have examined the same, and submit the following report:

Nathan Hildabrant was a private soldier in Company A, Thirty-first New Jersey Volunteers. His claim for pension is based upon disabilities arising from disease of the spine and kidneys contracted while in the line of duty, viz, from a fall received while engaged in the labor of unloading grain and supplies at Belle Plains, Va., in the early part of 1863, to which labor he with others of his company had been detailed. His claim was rejected by the Pension Bureau March 19, 1884, on the ground that there was no record on file in the War Department showing the alleged injury while in the service.

The testimony, however, is abundant that prior to enlistment the soldier was a sound, able-bodied man. His comrades testify that the injuries were received by the claimant as he states, and that he was treated for the same at the regimental hospital, and upon his return to camp was taken care of by the four comrades mentioned above and by others. He did but little duty after his return to camp.

The physicians who have treated claimant since return from service testify to attacks of cerebro-spinal meningitis, the result of the injury to his spine and back, from which he never entirely recovered, and has become partially paralyzed in his limbs and back; that he is a constant sufferer from his injuries, and the disease grows gradually worse, and that he is totally incapacitated from performing any manual labor.

The testimony given by claimant's neighbors shows claimant to be completely broken down in health and totally incapacitated for labor, and that he has been so since his return from the service; that he is confined to his house for days and weeks at a time, and is almost a walking skeleton, being emaciated in form and obliged to use a cane constantly. This is a meritorious case, and your committee recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 743.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2070.]

The Committee on Pensions, to whom was referred the bill (H. R. 2070) granting a pension to William Paugh, have examined the same, and report:

That the Committee on Invalid Pensions of the House of Representatives in the Forty-eighth Congress had this case before them and reported the same favorably; that this committee have verified the facts and evidence, as set forth in that report, by a careful examination of the papers, and find that it presents the true state of the case. They therefore adopt this report as their own. It reads as follows:

William Paugh, the soldier above named, enlisted as a private in Company D, Sixty-ninth Regiment Pennsylvania Volunteers, September 10, 1861, and was honorably discharged from the service July 14, 1865, and filed his declaration for a pension September 6, 1865, for disability incurred from a gunshot wound of the right shoulder, June 15, 1864, from which he partly lost his speech and was injured in his lungs.

In a statement filed the date of his injury is fixed in the spring of 1863, and exposure is set forth as an additional cause of his sickness. On muster-out roll, dated July 1, 1865, the soldier is reported as "absent sick." In May and June, 1863, he is reported "absent in general hospital," and is reported absent sick till December 31, 1863. The records of Surgeon-General's Office show that he was admitted to Mount Pleasant General Hospital, Washington, D. C., June 10, 1863, with contusion of back They also show that he received a gunshot wound, and was treated in field hospital Second Army Corps, Chancellorsville, Va., May 4, 1863; that he was several times treated in the hospital, and that he entered private hospital, Chester, Pa., September 18, 1864, with fracture of humerus.

Two comrades, P. Connelly and Charles Rodgers, testify to his being wounded in the right shoulder at Bristoe Station, Va., June, 1863. They also testify to the soldier's exposure at Harper's Ferry, from which claimant took cold, which settled on his lungs. They also testify to his soundness before and disability since his military service.

Drs. Snyder and Delcamp testified to having treated the soldier in 1865, 1869, 1870, 1872, for lung and bronchial troubles, and the latter says for wound of right shoulder.

Comrade Rodgers says further that while he did not see the applicant hit, yet says he saw him go into a severe skirmish at Bristoe Station, Va., sound and well, and that he saw him right afterwards with the wound.

The Pension Bureau rejected the claim for the reason that there was no record entered of the wound, and his inability to furnish satisfactory evidence of the fact that the wound was received as alleged. Neither of the reasons are well founded. The hospital record shows that the soldier was wounded May 4, 1863; that June 10, 1863, he was treated in the general hospital for contusion of the back; that in April, 1864, and May, 1865, he was in the hospital for fracture of humerus.

The difficulty has clearly happened through carelessness in inserting the wrong date in the declaration, and from the carelessness in the surgeons not stating fully

the facts concerning the injury; for instance, how the fracture of the humerus occurred. Had it been done it is manifest that it would have then appeared on the record that the same was caused by the explosion of a shell or from gunshot wound. Neither is it correct that the injury is not proven independent of hospital treatment.

Another reason given is that no disability now exists as shown by the board of surgeons. Yet the affidavits all go to show the contrary. In 1865 the Surgeon-General's report rates him at one-half disability, and in 1880 Examining Surgeon Strawbridge rates him at three-eighths.

The committee are of the opinion that the soldier is entitled to a pension and recommend the passage of the accompanying bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 744.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SEWELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 722.]

The Committee on Pensions, to whom was referred the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs, having examined the same, do report as follows:

William Brenton Boggs, deceased, was a pay director in the Navy for many years, his entire period of service covering a quarter of a century. His record as an officer was without a flaw, while his gallantry was conspicuous.

The committee present, and make a part of their report, the following communication from Admiral Porter relating to this case:

OFFICE OF THE ADMIRAL,
Washington, D. C., December 13, 1880.

MY DEAR MADAM: I regret to hear that the letter I wrote you in regard to your late husband's services has been lost, either in the Naval Committee rooms or in the Pension Office. It will, however, make little difference, as I can tell you pretty much what I embodied in my former communication.

During the period I commanded the Mississippi squadron we had a large "wharf-boat," some 600 feet long, as a storehouse for the squadron. This was set on fire one night in the year 1864, by means of a torpedo, and the flames spread so rapidly that it was with the utmost difficulty those on board escaped to the shore. The different pay officers of the station had all their accounts and the public money on board this vessel.

At the time of the fire your late husband, William B. Boggs, occupied the position of fleet paymaster of the Mississippi squadron, and slept on board the vessel to guard the public papers and money. He was the only one during the conflagration who did not leave his post, but forcing his way through the flames he succeeded in securing his books and papers, and then worked his way to the roof of the wharf, whence he jumped overboard and succeeded in saving his most valuable papers.

This was not done until his clothing was burned off and he was nearly scorched to a cinder. I saw him an hour after the accident, and a more dreadful burning I never witnessed.

For many months his life was despaired of, and when he was able to move about he was so marked that his most intimate friends would scarcely know him.

No doubt his death was greatly hastened by the terrible shock his constitution underwent at that time. I am satisfied that the stern bravery shown by Paymaster Boggs on the occasion entitles his widow to a pension as much as if the action had been performed in battle.

It was not the excitement of battle that sustained him, but a heroic effort to preserve the Government accounts, the loss of which would have compelled the payment of large sums of money by the Department to persons who had no real claim for compensation. I look upon this action of Mr. Boggs as one of the most heroic which came under my observation during the war. It was a case where a man battled with the flames with almost a certainty of losing his life. With all due respect for our legis-

lators I am of the opinion that the widow of Paymaster Boggs is as much entitled to a pension as the widow of any other officer who was disabled during the war.

I remain very respectfully and truly yours,

DAVID D. PORTER,
Admiral.

Mrs. WILLIAM B. BOGGS,
Georgetown, D. C.

I omitted to state in the body of this communication what I said in my former one, that I think that Congress should give you an increase of pension to the amount of $50 a month. Thirty dollars per month is what any officer's widow can obtain whose husband has performed ordinary service. That you can claim without going to Congress, and $50 per month should be given for heroic conduct. I think if Congress can be made to understand all the bearings of this matter they will not fail to do justice in the premises.

DAVID D. PORTER.

The death of Pay Director Boggs left the claimant, his widow, in very straitened circumstances, and the committee, believing her condition to be such as to warrant the proposed increase, recommend the passage of the bill as amended, to wit:

Strike out on line 8, after the word "month," the rest of the section, with the proviso, and insert the following: "in lieu of the amount now received by law."

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 745.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1184.]

Jane D. Mumford, widow, is the mother of Dudley C. Mumford, late captain of Company G, Nineteenth Massachusetts Volunteers, who, after nearly three years of active, efficient, and honorable military service, during which he was promoted from second to first lieutenant and then to captain, was killed in action at Prospect Hill, Virginia, May 31, 1864. He is highly commended as having been a brave and meritorious officer. His mother's claim for pension was rejected by the Pension Office on the ground of non-dependence.

The facts relating to the question of dependence are well set forth in a statement of the claimant on file with her claim in the Pension Office, and abundantly verified by other evidence, from which your committee quote the following:

Before he entered the Army I received all his wages and took care of him, providing his support and clothes and supplying all his wants, as a mother should. After he entered the Army, and up to the time of his death, the same course was pursued in all respects, except that he did not live at home, and there were certain bills in camp which he had to pay himself. With the exception of such bills, he always, from the time he entered the Army until his death, continued to send his pay to me, and I continued to supply his wants in clothing and such things as he needed, just as I had done before.

I do not mean to give the committee to understand that the pay of my son, Captain Mumford, supplied all my wants. I had a husband, always in feeble health, since dead, whose wages also contributed to the support of the family. Thus you will see that I was dependent upon my son's pay for support. The family never accumulated anything; and as both were taken away, I was left with two children and without having saved any property, and without means of support, and dependent for my very existence upon my own precarious earnings and the assistance of friends.

My son always felt he was one of my chief reliances, and once, when my husband was very sick, he wrote home asking whether he should not resign his commission and come home and take care of the family. I replied: "Leave us at home in the hands of God, and do your duty." * * *

Is it too much to ask from my country, for which he died, a little of the support which he aided in giving, and would have continued to give me?

Advancing years and failing health press me to urge a claim which has cost me many bitter tears. Could I live without it, I would prefer to receive no price for that which was to me beyond all price.

The husband died March 6, 1868, leaving Mrs. Mumford with two young children and a small sum of money, which was necessarily soon expended in her and their support and in removing to and establishing herself at Providence, R. I., where an opportunity was open to her as

a teacher in the public schools. In that employment she has until recently secured a support; but her age and feeble health have now compelled her to abandon that vocation, and the consequent necessity of urging her claim for relief presses upon her with continuously-increasing force.

Believing that the proper degree of dependence is established by the testimony, the committee recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 746.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2105.]

Henry B. Very was a private in Company A, Twelfth Rhode Island Volunteers, serving from the 3d of October, 1862, to the 22d of March, 1863, when he was discharged on account of disability. He was wounded at the battle of Fredericksburg, December 18, 1862, and remained in hospital up to the time of his discharge. He received a flesh wound in the left arm, and was also knocked down an embankment by the concussion of a passing shell, injuring his shoulder, hip, and foot. From the testimony of a well-known physician, Dr. James H. Eldredge, who had treated him, and from the report of the board of examining surgeons at New London, Conn., it is clear to your committee that the disability from which the claimant is now suffering was incurred in the service and in the line of duty, resulting from the wounds above alluded to.

Your committee therefore recommend the passage of the accompanying bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 747.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1660.]

The claimant, Samuel Edward Tracy, was a private in the First Regiment Rhode Island Volunteers, from May 2, 1861, to August 2. He afterwards enlisted in the Navy, and served on the United States steamer Anacostia from August 30, 1861, to August 29, 1864. The claimant is suffering from total disability resulting from a wound in his head, which he received some time in the summer of 1863, while on duty, as he claims. The fact is established by abundant testimony that Tracy was a sound and healthy man at the time of his enlistment in the Navy. His family were first advised of his wound in the head in the summer of 1863 when he was home on a furlough, but the wound does not seem to have seriously troubled him until some time after his discharge, when it began to be very painful.

Since the time of filing the original application for a pension, in July, 1863, the claimant's mental and physical condition have become such that he has not been able to give any definite and intelligent statement of the circumstances under which he was wounded or of his treatment in hospital immediately following the wound. During this time his sufferings have at times produced violent insanity, the paroxysms of pain have been of the most intense character, and are fast reducing him to a state of mental imbecility. The case has been examined by several special examiners, who were impressed with the fact that the case is a meritorious one; but from the facts above stated and the further fact that the principal officers of the steamer at the time cannot be found render it impossible to obtain the necessary testimony to establish the origin of the disability in the line of duty. These examiners have, however, suggested to the Pension Office that the claimant should receive relief by special act of Congress. The examining surgeon, member of the board at Providence, a man of skill and reputation, reports his belief that the disability, which is total, was incurred in the service. The claimant belongs to a family of the highest respectability, and two of his brothers served in the Army during the war.

The committee therefore recommend the passage of the bill.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 748.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 161.]

George W. Tew, of Newport, R. I., entered the Army in April, 1861, as captain of Company E, First Rhode Island Volunteers. After the expiration of his term of service he was made major of the Fourth Rhode Island Volunteers, and afterwards transferred to the Fifth Rhode Island Regiment. He was twice promoted for gallant and meritorious conduct in battle. He served through the war with great distinction, and received from President Johnson the brevet rank of brigadier-general of volunteers. He died on the 8th of November, 1884, of disease which his attending physician, Dr. Henry E. Turner, late surgeon United States Army, certified was incurred in the service of the United States in the line of duty. He left a widow and three children without means of support.

In view of the services of the soldier and the destitute condition of his family, the committee recommend the passage of the bill, with an amendment striking out the words "fifty dollars a month," and inserting the words "subject to the limitations and provisions of the pension laws."

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 749.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7519.]

The Committee on Pensions, to whom was referred the bill (H. R. 7519) granting increase of pension to Isaac N. Hawkins, have examined the same carefully, and report, adopting the subjoined House report, and recommend that the bill do pass.

The soldier is at present receiving a pension of $24 per month. Owing to the fact that the rules established by law do not provide for a case such as this, he asks an increase.

The following from the Ross County Register and the Medical and Surgical History of the War of the Rebellion, with cut of soldier's arm, will give an accurate and extended description of soldier's condition:

[From the Ross County Register, Chillicothe, Ohio, of June 21, 1879.]

Captain Hawkins, who is now awaiting confirmation as postmaster, is one of the worst used-up ex-soldiers, physically, that there is in this city. He was shot on three different occasions, but having indomitable pluck, he would not take advantage of his wounds to get out of the service. Recovering sufficiently from his first injuries, he rejoined his regiment, when he received his last and most terrible wound. A musket ball entered his right shoulder and passed down into (*through*) his body, being afterward taken out from beneath the shoulder-blade. After his discharge and return home, he suffered a hundred deaths with his wound, * * * and while he can move the fingers of his hand, the arm is almost as useless as though he had it not. * * *

[The Medical and Surgical History of the War of the Rebellion, Surg. Vol. II, page 523, reports case 1496, Lieutenant Hawkins, of Seventy-third Ohio.]

Wounded at Bull Run, August 30, 1862, right arm; at Lookout Valley, October 29, 1863, left ankle; in front of Atlanta, August 5, 1864, right shoulder, the ball going through the body; the head and two inches of the arm bone (humerus) were taken out.

Dr. Hudson, of New York, reports, in 1870, wound healed, but arm useless for lack of leverage; the functions of the hand and fore-arm were, however, normal.

The committee unanimously believe that his pension ought to be increased, and recommend that the word "forty" in line 5 of the bill be stricken out and the word "thirty-six" be inserted in lieu thereof.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 750.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5038.]

The Committee on Pensions, to whom was referred the bill (H. R. 5038) granting a pension to Stephen Sauer, have examined the same, and report:

That after careful examination they have adopted the report of the House Committee on Invalid Pensions, hereto annexed, with an amendment, as follows: After the word "Sauer" in line 6 insert the words, "dependent father of George Sauer," and as amended they recommend the passage of the bill.

Stephen Sauer, the applicant, asks a pension as the dependent father of George Sauer, who enlisted as a private in the Fourth Battery, Wisconsin Volunteers, on the 18th of September, 1861, and died in the service, of typhoid fever, at Fortress Monroe, in September, 1864. At the time of his death the soldier had never been married. There is no question that the soldier died in the service in the line of duty. He enlisted when about twenty years of age. The application of the father, Stephen Sauer, was rejected by the Pension Office on the ground that "at the time of the soldier's death the claimant was not dependent upon the son for support, as he had enough means for that purpose, and did support himself and family before and after the son enlisted." The mother of the deceased soldier, and wife of the applicant, died about a year after the soldier's birth. Claimant was married the second time.

The evidence in this case shows that the claimant is possessed of from $725 to $1,000 worth of property; that his income has not exceeded from $75 to $100 per year, and that for twenty-four years he has been suffering from disease of the heart, rendering him almost entirely incapacitated for the performance of manual labor. It is shown by the record also that the soldier remitted money to his father at different times as the result of his labor before enlistment, and as part of his pay while in the service, which is corroborated by the testimony of the farmer for whom the son worked and the agent of the express company who received it and delivered it to the father. It now appears that the second wife of the claimant is obliged to do washing to assist in supporting the family, as well as other manual labor. At the time the evidence was taken he had one sick daughter at home.

In the opinion of your committee the case presented by the claimant is one that should be favorably considered. The evidence is somewhat conflicting as regards his age, making it anywhere from seventy to eighty years. The necessities that compel his wife to do washing and support him in addition to herself appeal to your committee strongly as one presenting strong equities, and after giving the son to the service of his country, and who served about three years and died in the service, thus depriving him of the staff of his old age, your committee think that the Government should do no less than to provide a partial support for the father in his declining years. Your committee recommend that the bill be amended by inserting in the sixth line thereof, after the words "Stephen Sauer," the word "dependent." With this amendment and upon the grounds herein stated, your committee report the bill back to the House favorably, with the recommendation that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 751.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5937.]

The Committee on Pensions, to whom was referred the bill (H. R. 5937) granting a pension to Sarah Gregg, have examined the same, and adopt the House report and recommend the passage of the bill.

From well-authenticated papers filed with the committee, it appears that Sarah Gregg now resides in the city of Ottawa, State of Illinois, and has resided there for many years; that on or about the 1st of January, 1863, she volunteered and entered the hospital service of the United States, and from thenceforward until about the 20th day of June, 1865, she gave her entire time and service to the care of the sick and wounded soldiers of the Union Army; that she was located as follows: From January 1, 1863, to February 5 of the same year, at Mound City, Ill.; from the 10th of February to the 25th of May, 1863, at Camp Stebbins, near Ottawa, Ill.; from the 1st of June to the 23d of that month, on board the City of Alton, in an expedition down the Mississippi River to bring sick and wounded soldiers from Vicksburg; from the 29th of January, 1864, to the 20th of June, 1865, as matron of the general hospital at Camp Butler, near Springfield, Ill.

Your committee further state that the facts above set forth are fully corroborated by the statements of William M. Daily, hospital chaplain, United States Army, on duty in general hospital, Camp Butler, Ill.; by H. B. Buck, assistant surgeon of hospitals and also superintendent of hospitals; by A. B. Campbell, surgeon, United States volunteers, in charge of general hospital; and the certificate and warm commendation of nearly one hundred sick and wounded soldiers who testify to the tender and faithful service rendered them by Mrs. Gregg.

This worthy hospital nurse and matron is now seventy-six years of age and reduced to poverty, and on this account only now asks that her patriotic and valuable service to the Union Army may be rewarded by a pension.

Your committee are of the opinion that the bill ought to pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 752.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5085.]

The Committee on Pensions, to whom was referred the bill (H. R. 5085) granting a pension to Mary Hill, have examined the same, and adopt the subjoined House report, and recommend the passage of the bill.

This claimant, Mrs. Mary E. Hill, was a volunteer nurse (without pay) in the Army of the Potomac from the commencement until the close of the late war, caring for the sick and wounded in hospital, camp, and field, or, under direction of the Quartermaster's Department or General Grant, making many journeys from the Army of Virginia to Washington, Baltimore, and Philadelphia, to collect and bring forward large quantities of sanitary supplies for the relief of the sick, wounded, and suffering. This claimant not only devoted her entire time from the opening to the closing of the war in ministering to the relief of the sick, wounded, and dying, but contributed of her own means in purchasing provisions of a character not furnished by the Government, and as an additional sacrifice gave the life of her son, who was killed at the battle of Antietam, and after twenty years she, now aged and broken in health, and destitute of the means of sustenance in her declining years, now asks relief from the Government.

It appears from abundant evidence filed in this case, of the highest and strongest character possible, that this is one of the most meritorious claims brought to the notice of this committee. In support of the foregoing, the following clear, convincing, and indisputable evidence is given:

EXHIBIT A.

HEADQUARTERS EIGHTY-EIGHTH PENNSYLVANIA REGIMENT,
June 5, 1863.

The bearer of this, Mrs. Mary E. Hill, has rendered the men of this regiment, and more particularly the sick and wounded, much valuable assistance and relief, which had it not been for her efforts they could not have obtained; she has made many journeys between this Army and Philadelphia, Baltimore, and Washington, from which she brought large quantities of luxuries and necessaries of life, which the soldier in camp and hospital feels so greatly the loss of, and to our sick and wounded she has been a most faithful and devoted nurse and attendant. Whoever may be able to facilitate Mrs. Hill in her kind efforts may rest assured their confidence will not be misbestowed.

B. A. FOUST,
Major Eighty-eighth Pennsylvania Regiment.

Approved.

H. BAXTER,
Brigadier-General Commanding Second Brigade.
JOHN C. ROBINS,
Brigadier-General Commanding Second Division.
MAJOR-GENERAL REYNOLDS.

EXHIBIT B.

GETTYSBURG, *August* 8, 1863.

Dr. A. J. WARD:

The bearer, Mrs. Mary E. Hill, has been a very attentive and efficient nurse in the hospital of the Second Division of the First Army Corps from July 6 to the time of its being broken up, and has since given valuable services in the First Army Corps. She has been untiring in her efforts to serve our sick and wounded, and is now anxious to return to Washington and thence to the front. If you can furnish transportation you will confer a benefit on one meriting it, and oblige,

W. B. CHAMBERS,
Surgeon.

I cheerfully indorse the above, and ask that the quartermaster furnish transportation.

A. J. WARD,
Surgeon in Charge.

GETTYSBURG, *August* 11, 1863.

EXHIBIT C.

WASHINGTON, D. C., *May* 1, 1863.

It gives me great pleasure to testify to the useful and patriotic services of Mrs. Mary Hill, of Philadelphia, during the war. I became acquainted with her during the fall of 1862 in front of Fredericksburg, from which place she made frequent and dangerous journeys to Washington for the purpose of bringing stores and medicines for the relief of the sick and wounded. She paid particular attention to the sick and wounded, and to my own knowledge contributed largely to the comfort and relief of those invalids. I met her again after the battle of Gettysburg, when I lay wounded, and had many occasions to evidence her fervent patriotism that inspired her to work regardless of her own personal comfort to improve the condition and allay the sufferings of our wounded. Since then she came frequently under my notice in the hospital in this city, always working with the same energy and devotion for the soldiers of the Union.

Mrs. Hill had two sons in the Eighty-eighth Pennsylvania Regiment, of my brigade; one was killed at Antietam, deeply regretted by all who knew him; the other, after serving faithfully until the end of the war, was honorably discharged. In the loss of her son she had the sympathy of our entire brigade, who knew her well and gratefully remembered her many dangerous and arduous journeys in their behalf. In conclusion I will say that it would give me and all who knew her great pleasure to see some recognition of such devoted and sincere patriotism.

L. J. DOWNEY,
Brevet Major, U. S. A.

EXHIBIT D.

PHILADELPHIA, PA., *April* 14, 1867.

The undersigned, officers of the Eighty-eighth Pennsylvania Veteran Volunteers, do certify that Mary E. Hill was connected with the Eighty-eighth Pennsylvania Veteran Volunteers. She volunteered her services and was never mustered for pay. She was engaged in attending to and caring for the sick and wounded and supplying their wants. She had two sons in Company F, Eighty-eighth Pennsylvania Veteran Volunteers, one of them being killed at the battle of Antietam; the other served with his regiment from the time it was organized, August 9, 1861, and was mustered out July 11, 1865.

LEWIS WAGNER,
Late Colonel Eighty-eighth Pennsylvania Veteran Volunteers.
ABEY GARDINER,
Late Captain Company G, Eighty-eighth Pennsylvania Volunteers.
CHAS W. CLOTHIER,
Chaplain Eighty-eighth Pennsylvania Veteran Volunteers.

EXHIBIT E.

[Extract.]

SPECIAL ORDER No. 149. } HEADQUARTERS ARMIES OF THE UNITED STATES, *City Point, Va., December* 13, 1864.

The Quartermaster's Department will furnish Mrs. Hill, nurse in the cavalry hospital, transportation from City Point, Va., to Philadelphia, Pa., and return, for the purpose of bringing forward sanitary stores for said hospital.

By command of Lieutenant-General,

U. S. GRANT.

EXHIBIT F.

WASHINGTON, D. C., *December* 27, 1868.

For the purpose of aiding Mrs. Mary E. Hill to obtain the situation she desires, I take pleasure in stating that I have known her since the battle of Antietam, where her son was killed in action, belonging to the Eighty-eighth Pennsylvania Volunteers and serving in my division. She has devoted herself with untiring energy to the alleviation of the pain and suffering of the sick and wounded soldiers, and may be classed among the noble women called forth by the rebellion, which entitles her to the consideration of the good and loyal.

JAMES R. RICKETTS,
Major-General.

WASHINGTON, D. C., *January* 9, 1866.

Mrs. Hill has been engaged during the war in nursing and looking after the sick and wounded soldiers, and is now engaged in looking up places for such of them as have been disabled. She is commended to the Departments of Government and citizens who can give employment to such.

U. S. GRANT,
Lieutenant-General.

Your committee, in consideration of the high character, of the clear and indisputable evidence in support of this claim, and of the long and untiring patriotic services of the claimant in ministering to the wounded and suffering soldiers of the late war, deem it now an act of justice to recognize those services, and recommend that the bill do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 753.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3287.]

The Committee on Pensions, to whom was referred the bill (H. R. 3287) granting a pension to Silas Corzatt, have carefully examined the same, and adopt the House report and recommend the passage of the bill.

Claimant was mustered in service February 22, 1864. In his declaration for pension he states that at the battle of Ashland Station, Virginia, in May or June, 1864, his horse stumbled and fell upon him, injuring his left leg. A few days later he was taken sick with fever, and was transferred from field hospital to Carver General Hospital, District of Columbia, from which he was discharged from service on account of disability August 13, 1864. He filed claim for pension, alleging varicose veins of left leg, resulting from fever settling in injured leg.

His claim for pension was rejected upon the ground that there is no record of alleged injury, "varicose veins," and his inability to furnish any evidence that the same was incurred in the service and line of duty, or medical evidence of existence of same at date of discharge.

It is proven that claimant did receive the injury to leg as stated, and that it was not considered serious at the time of incurrence. It is also shown that he was sick in general hospital at Washington, D. C., during the months of June, July, and August, 1864, and it is quite probable that varicose veins of left leg was a sequence to the claimant's spell of fever, as claimed.

Eugene Hatt testifies that at the time Corzatt returned home from the service he was suffering from bad ulceration of the left leg, so that he was compelled to use crutches to move around at all. Claimant's leg has been sore continuously ever since, so that he is unable to make a living, and a part of the time has been a charge on the county.

Dr. L. A. Cottle testifies that he treated claimant for varicose veins in 1864. Claimant's left leg was greatly swollen and ulcerated, and he said it was the result of an injury received in service.

Jonathan Heath testifies that he was raised in the same neighborhood with claimant, and at the time claimant entered the service he was a sound man.

Eugene Hatt, a neighbor, testifies that he was intimately acquainted with claimant, and at time of enlistment he was in sound health.

Your committee believe claimant is entitled to a pension on account of varicose veins of leg, but deem the evidence as to loss of left eye insufficient.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 754.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 473.]

The Committee on Pensions, to whom was referred the bill (H. R. 473) granting a pension to William Boone, have examined the same, and report:

That after careful examination they have adopted the report of the House Committee on Invalid Pensions, hereto annexed, and recommend the passage of the bill.

A bill granting a pension to this claimant was reported favorably by this committee and passed the House in the Forty-eighth Congress, but failed of consideration in the Senate. Your committee, therefore, adopt the report of the committee of the Forty-eighth Congress, as follows:

"That William Boone was a private in Company F, Eighty-eighth Regiment Indiana Volunteers. November, 1862, he was taken prisoner and paroled; and while at Aurora, Ill., on parole, July 4, 1863, while engaged in firing a salute in celebration of the fall of Vicksburg, by the premature discharge of a cannon he was assisting to fire he lost his right arm, and his left hand was injured so as to render it partially and permanently useless. He testifies in his own behalf that the citizens of said town were engaged in said celebration, and "that he participated therein at the special request of said citizens because he was a soldier, and because it became him so to do as a soldier and patriot."

"He has not filed a declaration in the Pension Office, because, he says, he understood there were technical objections to granting a pension in his case under the rules and regulations of the Pension Office.

"The granting of a pension in is strongly urged by the late Governor Williams and other distinguished citizens of Indiana. The surviving officers of claimant's regiment unite in a petition asking that his name be placed on the pension-roll, and assert that he was a gallant soldier, and faithfully, courageously, and honorably discharged his duties as a soldier, and that by reason of his physical disabilities, which were caused and exist as above stated, his capacity to earn a maintenance for himself, his wife, and three children, who depend upon him, is almost entirely destroyed.

"This case appeals strongly to the equity of Congress, and in view of the precedents for granting a pension in such cases, your committee recommend the passage of the accompanying bill."

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 755.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 607.]

The Committee on Pensions, to whom was referred the bill (H. R. 607) granting a pension to Jannet E. B. Smith, have examined the same, and report:

That after careful examination they have adopted the report of the House Committee on Invalid Pensions, hereto annexed, and recommend the passage of the bill.

That Jannet E. B. Smith is the widow of Stephen Barton, late a private in Company C, Twenty-first Regiment Iowa Volunteers, who died on the 22d day of December, 1864, while in the service. That she was placed on the pension roll September 9, 1865, and continued to draw her pension until it was stopped in consequence of her marriage to one Platt Smith. Said Platt Smith has since died, leaving her without any income or means of support except her own efforts, which fact is certified to by Hon. O. P. Shiras, United States judge; A. J. Van Duzer, clerk United States courts; M. M. Ham, postmaster, and a score of the first citizens of Dubuque, Iowa. Their certificate and petition are also indorsed by the Hon. D. B. Henderson, member of this House, as follows:

"I personally know the said Jannet E. B. Smith, and that she is left in destitute circumstances, and is supporting life by her own exertions. I also know the petitioners, and that they are worthy and reliable citizens. I earnestly recommend the favorable action of Congress in this case."

The claimant deserves and needs the pension as much now as when her name was first placed upon the roll, and the fact that the Government was relieved from its payment during the life of her second husband should not preclude its restoration now. Your committee very earnestly recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 756.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3741.]

The Committee on Pensions, to whom was referred the bill (H. R. 3741) granting a pension to Emeline Roberts, have examined the same, and report:

That after careful consideration they have adopted the report of the House Committee on Invalid Pensions, hereto annexed, and recommend the passage of the bill.

That Emeline Roberts is the widow of James F. Roberts, who enlisted August 15, 1862, in Company D, Twenty-ninth Regiment Wisconsin Volunteers, and was discharged July 3, 1865, and died August 27, 1878, of typhoid pneumonia.

The widow's application for pension was rejected September 19, 1885, on the ground that typhoid pneumonia was not the result of chronic diarrhea or attributable to his military service.

The evidence in this case shows that James F. Roberts was in as good health for the first year of service as any man in the company; that about the 1st of February, 1863, his regiment was camped about 3 miles west of Helena, Ark.; much sickness prevailed, so that it was called Camp Death. Here he was taken sick and sent to post hospital in Helena; from there he was sent North and transferred to the invalid corps. His disease was chronic diarrhea and kidney complaint, from which it appears he never fully recovered. This fact is established by the concurrent testimony of comrades and neighbors who knew him from his discharge from the service till his death, in 1878.

Dr. A. J. March testifies that—

"I treated said Roberts first in June, 1874, for recurrent spinal meningitis of lumbar region, at times approaching myolitis, as evinced through partial paralysis and incontinence of urine. He had several attacks. From history of case I always supposed the condition originated from Army life. These attacks were of such a nature that I confidently expected them to be the ultimate cause of demise. There was always a remnant of chronic diarrhea, for which I prescribed. The final attack was typhoid pneumonia."

Other physicians who treated Roberts prior to 1874 are dead.

The conclusion seems to be that the disease contracted in the Army had so impaired and weakened his constitution and vital forces that no strength to resist the attack of pneumonia remained. Evidence is submitted showing the impecunious condition of the widow. She is dependent on her daily labor for support of herself and children, three girls and one boy, ranging in age from eight to twenty years.

It is fair to presume that the service of her husband was honorable and meritorious, as he enlisted as a private and was mustered out as a sergeant, an honorable discharge to an early grave. Relief in this case will not be undeserved or misapplied.

Your committ therefore recommend the passage of the bill.

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 757.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5655.]

The Committee on Pensions, to whom was referred the bill (H. R. 5655) granting a pension to Elizabeth B. Bell, have examined the same, and report:

That after careful examination they have adopted the report of the House Committee on Invalid Pensions, hereto annexed, and recommend the passage of the bill.

That Elizabeth B. Bell is the widow of V. Bradford Bell, late lieutenant Company K, Nineteenth Regiment Illinois Volunteers, who enlisted in 1861, first call for three-months men, and re-enlisted and served till the close of the war, a period of service extending over five years, and was honorably discharged. He died January 16, 1880, in the city of Detroit, by shooting himself in the head while temporarily insane. His widow now appeals to Congress for relief, for the reason that owing to the manner of her husband's death it can only be granted by special act. She sets forth in her petition that while serving as lieutenant her husband received three gun shot wounds, one in the left foot, one in his right leg, and a third in the head, this latter the most serious, and from the effects of which she attributes his aberration of mind and consequent death.

This wound was received at the battle of Stone River, December 31, 1862, the bullet striking him at the outer corner of the right eye, making an indentation in the skull, glancing around the head and coming out about and inch back of the left ear. This wound partially obscured the vision of his right eye, and seriously affected his brain, especially bringing on at times the most intense pains in the head, with aberration of mind and deep melancholy, with suicidal tendencies. While in one of these periods of intense pain, from which he could get no relief, he put an end to his sufferings, as stated above.

Maj. James V. Guthrie testifies:

"I was major of the Nineteenth Illinois Infantry, and was with my regiment at the battle of Stone River, December 31, 1862. Vincent B. Bell was second lieutenant Company K, and commanded his company in the action. Lieutenant Bell received a severe wound in the head and fell insensible. He was hit over the eye, the bullet passing around under the skin, coming out at the back of the neck. I saw him hit, and supposed him instantly killed. We lost the position, and Lieutenant Bell was left as killed in the hands of the enemy. This was about noon. Toward evening he was found by a Confederate officer and taken to a log hut, with other wounded officers, his parole demanded, which others gave, but which he refused, saying he would not give his parole on the field. That night he came into our lines and was brought to his regiment and ordered to hospital. Lieutenant Bell was one of the bravest men I ever knew, and a very capable and efficient officer. Several times he was noticed for his courage and judgment."

R. G. Bogue, M. D., testifies:

"He was surgeon of Nineteenth Regiment Illinois Volunteers; knew Lieutenant Bell to have been a well man while in the regiment up to the time of the battle of Murfreesboro' or Stone River, at which time he received a gunshot wound of the

head, in one temple; he does not remember which. He apparently recovered from said wound, as he served with him afterwards."

Sarah B. Cushing testifies as follows:

"I am the sister of Lieut. V. Bradford Bell, and was in Nashville, Tenn., when he was brought in from the battle-field of Stone River wounded in the head, from which I know he always suffered, and I believe caused his death."

From an article published in Every Saturday, January 24, 1880, we make the following extract:

"Lieutenant Bell won high fame as a fighter. He refused higher rank, even a colonelcy, in other regiments, preferring to remain with the men with whom he had gone out, and many of whom he had induced to enlist. On one occasion, in October, 1862, while serving in Tennessee with a handful of thirty-five men, he defended a stockade protecting a railroad bridge against a whole regiment of rebel cavalry under command of Colonel Bickwell. In answer to a summons to surrender Lieutenant Bell said his duty and intention was to defend the stockade, and he kept his word. His gallantry on this occasion was rewarded by mention in general orders, and the New York press declared his bravery entitled him to promotion to a brigadier-generalship. Severely wounded at Stone River and Murfreesboro', he was once left for dead upon the field."

Mr. Bell was a man of fine character, great ability, and correct habits. He had a bright and active mind, and was always able to command first-class positions and salary with which to support his wife and child in comfort, for which reason he made no application for pension. His widow further sets forth in her petition that Dr. S. S. Brown, of Detroit, Mich., was their family physician, who attended her husband during the periods of insanity mentioned next preceding his death. Dr. Brown died at Detroit about the year 1882, so that she is unable to get further medical testimony. She further states that she is now poor; is possessed of no property whatever; is dependent upon her own efforts for support of herself and child, a daughter aged fourteen years. It would seem to your committee that in this case of Lieutenant Bell there is an utter lack of any assignable cause other than this wound why he should be subject to these constantly recurring periods of intense pain in the head and resulting melancholy. His health was good before enlisting; his habits good after discharge; his home happy; his occupation pleasant and profitable; his relations, public, private, and social, satisfactory. Judged by all these his life was worth the living. It is, therefore, not unreasonable to suppose that so severe a wound in such a place may have wrecked his life. In consideration of the loss to his wife of so gallant a husband, we recommend that the bill do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 758.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 601.]

The Committee on Pensions, to whom was referred the bill (H. R. 601) granting a pension to Alonzo V. Richards, have examined the same, and report:

That after careful examination they have adopted the report of the House Committee on Invalid Pensions, hereto annexed, and recommend the passage of the bill.

That Alonzo V. Richards enlisted September 10, 1861, in Company H, Seventh Wisconsin Volunteers, was transferred to United States Signal Corps August 12, 1863, and re-enlisted February 9, 1864. On March 22, 1864, after a competitive examination before a board of examiners, appointed under the authority of an act of Congress for the especial purpose of selecting capable and efficient officers for this important service, he was appointed an acting second lieutenant in the Signal Corps and assigned to duty as such officer, and so served with distinguished merit until the close of the war. His commission, however, was not issued until May 10, 1865, and in the great press of business at the War Department at that time, the date of his appointment and assignment was evidently overlooked.

On July 28, 1883, he filed his application for pension for disability incurred in line of duty at Battery Parrott, Maryland, during the latter part of March, 1864, while he was on duty and in command as acting second lieutenant.

Proof of disability is abundant and clear, medical examination satisfactory, and on July 7, 1885, he was placed on the pension-roll, rated at one-half total for sergeant, at $4 per month, from July 28, 1883.

Mr. Richards dissented from this rating, and asked to be placed on the roll as a second lieutenant. The Commissioner ruled that under the strict letter of the law he was not entitled to such rating, for, although at the time the disability was incurred he was acting as lieutenant and performing the duties of said office, he was not yet commissioned or mustered.

Reports of the Chief Signal Officer of the Army show that he was acting as lieutenant from March 22, 1864, until May 10, 1865, and Congress, by special act approved April 7, 1874, recognized his service and rank by granting him the pay and allowances of a second lieutenant during all said time, and evidently intended to correct his military record by such act, as may be fairly presumed by reference to the report of the Committee on Military Affairs made at that time, in which they say:

"It further appears that the petitioner has rendered distinguished services as second lieutenant from March 22, 1864, to May 10, 1865, without receiving any compensation but that of an enlisted man, and that this resulted from no fault or error of the petitioner, but from the clerical defect in his commission, in that it was not dated from the day he was recommended for and assigned to duty as lieutenant."

He incurred his disability after his appointment as acting lieutenant, and while performing the duties and bearing the responsibilities of the office which he had won by long service and distinguished merit.

Your committee therefore believe he is entitled to rank as such officer upon the pension-roll, and in view of his long and meritorious service (over four years), his constant suffering from disease contracted in line of duty, and for which he might have been pensioned years before had he only made application, we earnestly recommend the passage of the bill.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 759.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 599.]

The Committee on Pensions, to whom was referred the bill (H. R. 599) granting a pension to Mrs. Honorah Maloney, have examined the same, and report:

That after careful examination they have adopted the report of the House Committee on Invalid Pensions, hereto annexed, and recommend the passage of the bill.

That Mrs. Honorah Maloney is the widow of Daniel Maloney, late a private of Company G, One hundred and eighty-third regiment Pennsylvania Volunteers, who enlisted January 14, 1864, and was discharged July 10, 1865. He died September 30, 1878, and his widow filed her application for pension July 10, 1880, which was rejected—

"On the ground that origin in service and line of duty of soldier's fatal disease, chronic diarrhea, is not shown, and it appearing from evidence filed that claimant is unable to prove said facts."

The fact of soldier's death from chronic diarrhea is conclusively proven by abundant testimony on file with the application in the Pension Office. So also is the fact that soldier suffered with the disease from the time of his discharge until his death.

The only question to be determined is whether soldier contracted the disease in the service in line of duty. Upon this point the records at the War Department furnish no hospital history, and his wife swears that she is unable at this date to furnish the testimony of any officers, surgeon, or comrades, for the reason that she knows neither their names nor whereabouts. But Anton Donlon, of Dubuque, Iowa, testifies

"I was acquainted with Daniel Maloney, the deceased husband of Mrs. Honorah Maloney; that I first formed his acquaintance in the year 1853, in the city of Philadelphia; that I was intimately acquainted with him, and met him frequently from the time I first met him in 1853 up to the time he enlisted in the Army; that I know, of my own personal knowledge, that at the time of his enlistment in the Army he was a strong, active, healthy man, and was suffering from no disease, and had no complaint of any kind; that shortly after the close of the war in 1865 I met the said Daniel Maloney in Dubuque, Iowa; that when I met him he was suffering from chronic diarrhea, which disease he often represented to me he had contracted in the Army; that I knew him intimately, and met him frequently in Dubuque, Iowa, from 1865 up to within about four months before his death; that I know said Maloney was suffering from chronic diarrhea from the time I met him in 1865 up to within four months of his death, and that he was often unable to work at his trade of tailoring because of said illness."

Alexander Nicoll testified to a continued acquaintance with Maloney from date of discharge to death, and of his affliction with chronic diarrhea during all that time. John Lynch makes a like affidavit; so also do Michael Hall and J. J. McCarthy.

Hon. D. B. Henderson, a member of this House, certifies to the high character of these witnesses, and to the fact of Mrs. Maloney's poverty and destitution.

Senator W. B. Allison, whose home is in Dubuque, writes:

"Mrs. Maloney is quite old, is very poor and needy, and finds it difficult to make a living, which she does by washing."

With proof that soldier was free from disability when he entered the Army, that after eighteen months' service he came out with, and finally died of, a disease so common to the Army, your committee are clearly of the opinion that the fatal disease was contracted in the service in line of duty, and that his widow merits the pension asked.

Your committee, therefore, recommend the passage of the bill.

C

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 760.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4977.]

The Committee on Pensions, to whom was referred the bill (H. R. 4977) granting a pension to James N. Hair, have examined the same, and report:

That after careful examination they have adopted the report of the House Committee on Invalid Pensions hereto annexed, and recommend the passage of the bill.

The claimant alleged that while in the line of duty on the 15th of June, 1865, he was attacked with measles *en route* between Chicago and Pittsburgh, and was left in hospital at Harrisburg, Pa., and from thence to Little York, Pa., in Government hospital, where he was discharged, and that said disease resulted in nearly the entire destruction of the sight of both eyes.

Claimant enlisted on the 12th day of April, 1865, as a private in Company I, First Battalion Minnesota Volunteers, and was discharged June 15, 1865.

The claim was rejected on the ground that the disease of the eyes did not originate in service, and medical referee does not admit that same is the result of measles.

The record of the Adjutant-General's Office shows claimant "present May and June, 1865; absent, left sick at Harrisburg, Pa." Company was stationed at Chicago, Ill., April 30, 1865. The command to which the company belonged was transferred from the Army of the Potomac June 10, 1865, to the Army of Tennessee. Left Army of the Potomac at Munson's Hill, Va., June 16, 1865; joined Army of Tennessee at Louisville, Ky., June 21, 1865. He was mustered out on detached muster-out roll June 15, 1865, at United States general hospital, York, Pa., with remark, "Entered hospital May 15, 1865."

Claimant swears that while *en route* with his company from Fort Snelling, Minn., to Washington, D. C., he was taken sick with measles, and left at Harrisburg, Pa., on or about May 10, 1865, and transferred from there to Little York, Pa., about May 16, 1865; that he is unacquainted with the names of the attending surgeons of either hospital, and is, therefore, unable to furnish the evidence in regard to treatment for measles, unless it is shown by hospital records.

E. D. Cooper, orderly sergeant, Company I, First Minnesota Volunteers, testifies that he was and is now well acquainted with James N. Hair, who served as private in Company I; that on trip from Saint Paul, Minn., to Washington, D. C., in the month of May, 1865, and while in the line of duty, said Hair was taken sick, and left at Harrisburg, Pa., in hospital.

J. B. Bamcord, late first lieutenant Company I, First Minnesota Volunteers, testifies that he is acquainted with claimant; that claimant contracted the measles while in the line of duty; that on or about April 25, 1865, while in camp at Fort Snelling, two men were taken sick with the measles, and that said James N. Hair was exposed thereto, and that on or about May 9, 1865, while *en route* from Fort Snelling to Washington, D. C., and while in Chicago, Ill., the said claimant was taken sick with measles; and on or about May 12, 1865, was left in hospital, sick with same disease, at Harrisburg, Pa.; and about one week thereafter transferred from Harrisburg to Little York, Pa.; and on June 15, 1865, was mustered out of service.

There is an abundance of evidence showing that claimant was sound at the time of his enlistment; and as to his having sore eyes on his return home from the service, in August, 1865, J. A. Elleson and Norman Hicks both testified that claimant returned from the Army in August, 1865, so nearly blind that he could scarcely recognize any one; eyes badly inflamed, and discharged for nearly six months; after this appeared to get some better, so that he could move around without a guide. At the time of his return he said his sore eyes was the result of measles—caught cold. From discharge to the present he has been two-thirds disabled. V. C. Whitcomb testifies that he was a member of Company G, First Minnesota Volunteers; was sent to Little York hospital in Pennsylvania, and he became acquainted with claimant, who was being treated for sore eyes. Claimant told him the disease was the result of measles, and at the time of his discharge, in June, 1865, claimant was almost blind.

Dr. W. B. Steere, medical examiner, states:

"In the examination of James N. Hair for original pension, I stated that the disease in the eye had the appearance of being the result of staphyloma. I cannot account for the peculiar appearance of the opacity (leucoma) in any other way. It is not like the nebula or leucoma arising from corneitis. It is different from anything I have met or seen described. It looks as if there had been a partial staphyloma of the cornea. Viewed under a magnifying glass there are several points which look like cicatrices from puncture. On the whole, I think there is considerable doubt about it being a direct result of measles, although that may have been a remote cause of the ophthalmia."

E. C. Cross, another examining surgeon, states:

"The applicant has cicatrices covering one-half lower side of each pupil, that do seriously interfere with vision; I cannot say whether permanent or not, for I do not know what a skillful occulist might do toward removing them. They appear as if soreness might have been produced by measles. The scars on his eyes disable him fully one-half. I can get no evidence of syphilis after a most careful inspection of the applicant naked. He says he had measles in the Army."

The medical examiner will not state positively that condition of eyes may not be traced to effect of measles for which claimant was treated in the hospital. Your committee believe that the soldier is entitled to the doubt, should any exist, and therefore recommend the passage of the bill.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 761.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6381.]

The Committee on Pensions, to whom was referred the bill (H. R. 6381) granting a pension to Abel J. Lewis, have examined the same, and report:

That after careful examination they have adopted the report of the House Committee on Invalid Pensions, hereto annexed, and recommend the passage of the bill.

This soldier claims a pension on account of disability caused by shell wound to abdomen received in the battle of Resaca, Ga. While the claim has not been positively rejected at the Pension Office, still they are unable to find positive and satisfactory evidence that his disability arises from the cause alleged. He has had three examinations by three different examining boards; a disability of one-half is found to exist, but none are able to find that the contusion of the abdomen is the cause of his disability. The soldier alleges that near Resaca, Ga., May 15, 1864, he was wounded by a piece of shell in the right thigh, and at the same time and place was injured by contusion of abdomen; that he was sent from field of battle to Cumberland Hospital, at Nashville, Tenn., where he remained two months. His statement is confirmed by records of Adjutant-General's Office, and by the affidavits of his captain, Robert J. Pugh, and Lieut. John Bowen.

William Gill, of Sioux Falls, whose credibility is marked good by the Pension Office, testifies that he has known claimant intimately from 1865 to 1871; saw him constantly, and during all that time claimant suffered from an injury in his right side, so severely at times that he gave up work and remained at home several days at a time.

Dr. James E. Ferguson, of Bangor, Mich., testifies that he has known claimant since 1872, and has treated him for disability in the right side caused by wound received in service; in his opinion is fully one-half disabled; that he is wholly unable to do heavy manual labor, and at times to do any labor at all.

This testimony is marked good, first class.

Hugh Lewis, Albert B. Taft, John Ray, all testify that they have known claimant since 1871, and that he is continuously suffering from disability in right side, caused by a fragment of shell at Resaca, Ga., and in their opinion he is one-half disabled.

Dr. Ferguson, in affidavit of January 14, 1884, says that he attended claimant November 8 and 9, 1874, and in June, 1877, from 12th to 17th, and has prescribed for him since; that claimant has been troubled with chronic constipation ever since he has known him, in 1874, with occasional attacks of colic, always located in right iliac region, about iliac cæcal valve, so severe at times as to require hypodermic injection of morphine.

In consideration of the high character of the foregoing testimony to the effect of disability existing from the time he was wounded to the present, and his soundness prior to receiving said wound, it is fair to conclude that his disability dates from and is attributable to his military service. We therefore recommend that the bill do pass

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 762.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3321.]

The Committee on Pensions, to whom was referred the bill (H. R. 3321) granting a pension to Samuel C. Fisher, have examined the same, and report:

That after careful examination they have adopted the report of the House Committee on Invalid Pensions, hereto annexed, and recommend the passage of the bill.

Claimant was captain of Company H, One hundred and sixteenth Indiana Volunteers, and was mustered in the service August 17, 1863, and honorably discharged March 1, 1864.

He filed his application for a pension July 28, 1879, alleging that at Tazewell, Tenn., on the 20th of January, 1864, while serving on detached duty as post commissary, the Union forces were surprised by the Confederates before daylight, stampeding the teams; that while in the act of mounting his horse tramped on his right foot and mashed it severely. He alleges no one saw the injury done, for everybody was looking after their own interests. Claimant was not at any time with his regiment after the incurrence of the injury or in any hospital. His claim was rejected because of no record or satisfactory proof of origin in service and line of duty.

An examination of the papers on file in the Department shows that Thomas D. Cole, Samuel Battinger, John R. Messner, and other neighbors of claimant, testify to his having been a sound, healthy man prior to enlistment.

H. C. Frame, private in claimant's company, testifies that at Tazewell, Tenn., in January, 1864, claimant, while in the line of duty, had his right foot mashed by a horse tramping on it. The affiant saw claimant brought to town and saw comrades dressing his wounds. There was no regimental surgeon with the detachment. Claimant was not able to take charge of his company after the injury.

James F. Buckles testifies that claimant was post commissary at Tazewell, Tenn., and he was his orderly. That some time in latter part of winter of 1863 the Union forces were surprised by the rebels one morning before daylight and a stampede took place. Affiant saw claimant immediately after, when he was limping. Claimant's horse was shod with heavy shoes.

Lieut. Col. G. O. Behm, of the Sixteenth Indiana Volunteers, says that claimant was acting as post commissary at Tazewell, Tenn., January 20, 1864. On that date the rebels attacked our forces and drove in the pickets, and there was a stampede among the teams, and claimant had charge of the teams at said time and place; claimant was injured as he alleges.

Claimant is unable to furnish any medical testimony of treatment for several years subsequent to the war; the physician who treated him is dead.

Thomas D. Odle testifies that he saw claimant immediately after the war, upon h return from the service in the spring of 1864, when he complained of his foot and le hurting him; he walked lame, and has ever since; claimant has been unable to pe form manual labor.

William Lincoln testifies that when claimant was mustered out he was badly crippled and has been ever since, and cannot do manual labor.

Dr. O. D. Benson testifies to being acquainted with claimant twelve years; that he has received a fracture of the second and third metatarsus bones of the right foot and most of the phalanges of same foot, causing anchylosis of the metatarso, phalangal articulation, and atrophy of the muscles of the foot. The injury renders claimant unable to perform manual labor.

Dr. De Hart testifies that he has known claimant eight years; he is disabled, as described by Dr. Benson.

Dr. Ross testifies to substantially the same condition of claimant.

Several neighbors of claimant corroborate these witnesses as to the continued suffering from the injury since the war and his inability to perform manual labor.

Special examination conducted at claimant's home in June, 1884, shows considerable diversity of opinion as to when claimant incurred the injury for which he asks a pension.

Your committee have carefully examined all the evidence bearing on the case and believe the injury was contracted in the service and in the line of duty, as claimant alleges. He is an old man, broken in health, and unable to support his family. We therefore recommend the passage of the bill.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 763.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1252.]

The Committee on Pensions, to whom was referred the bill (H. R. 1252) granting a pension to Eugenia A. Smalley, have examined the same, and report that after careful examination they have adopted the report of the Committee on Invalid Pensions, House of Representatives, hereto annexed, and recommend the passage of the bill.

The applicant, Eugenia A. Smalley, is the widow of Robert Smalley, late a private of Company A, Second Regiment Minnesota Volunteers, who enlisted on the 26th day of June, 1861, and was discharged June 26, 1864.

Soldier received a gunshot wound passing through the left arm above the elbow into the chest, fracturing two ribs, at the battle of Chickamauga, Ga., on the 20th of September, 1863, and was rated by the Pension Office as totally disabled from manual labor, and pensioned accordingly, which pension he received up to the date of his death, February 21, 1880, caused by a fall from an elevator, where he was engaged at work.

Widow's claim for a pension was rejected on the ground that the cause of soldier's death was the result of a fall from an elevator, on which he was working at the time, and is not attributable to his military service.

Edward Goodboo testifies under oath that he was present at soldier's death, which took place at Rothsay, Wilkin County, Minnesota, February 21, 1880, and that it is his belief that the accident would not have occurred had he not been suffering from the effects of his wounds, which were in his arms and lungs, and which caused soldier great pain, causing him to complain greatly, and he believes that the pain from the wounds caused him to be crazy at times, and thinks that his fall must have been the result of one of these crazy spells getting the best of him, so as to lose all control of himself. He further states that the wound in his arm was at the time of soldier's death a running sore, and that soldier died in about one minute after he struck the ground.

Frank G. Willsey, in his testimony, corroborates the former witness, and adds that he was surprised that said Smalley was able to do any work, he being so badly wounded, and he verily believes that soldier's wounds were the cause of his fall, as it would be impossible for a man shot as he was to have complete use of his arms and shoulder. Soldier did not have full use of his arms on account of said wounds.

The widow is quite poor, with two small children dependent upon her for support.

Your committee are of the opinion that while soldier did not die directly from the wounds received in battle, they are, however, satisfied that said wounds contributed greatly to the fall which caused his death, and therefore recommend that the bill do pass.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 764.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 556.]

The Committee on Pensions, to whom was referred the bill (H. R. 556) granting a pension to Bridget Sherlock, have examined the same, and report that after careful examination they have adopted the report of the Committee on Invalid Pensions, House report hereto annexed, and recommend the passage of the bill.

Stephen Sherlock enlisted as a private soldier in Company F, Fifteenth Indiana Volunteers, on the 14th day of June, 1861, and served as such until the 23d day of November, 1862, when he was honorably discharged by the order of General Rosecrans upon a certificate of disability given to him as the result of a severe injury received during the siege of Corinth, "resulting in scrotal hernia, and numbness and difficulty in using the lower extremities. His case is one of very bad scrotal hernia, caused by a fall over a log, May 10, 1862, in front of Corinth, while carrying a heavy load of rails upon his shoulder for the purpose of building a road over which to pass the artillery and wagons during that memorable siege." The above is the language of the certificate. He was the son of Patrick and Bridget Sherlock, who were, at the time of his enlistment, quite old and feeble, and depended largely upon said Stephen for a support. After his discharge he returned to the home of his parents, at Bedford, Ind., and within a few months took employment on the Louisville, New Albany and Chicago Railroad as the conductor of a freight train. It is clearly shown by the testimony of the family physician that his disability continued until his death, and that it had approached a condition of paralysis that would probably have rendered him totally helpless.

While in the employ of the railroad company, as aforesaid, in leaving the train, and because of his disability contracted in the Army, he fell under the wheels of the train and was so injured that his left foot was amputated. By reason of the weak and enfeebled condition of his blood erysipelas resulted, and he died of that disease.

Because he did not die of the injury which he received in the Army his mother's claim for pension was rejected. His father is dead, and his mother is now nearly eighty years of age and has no property. The evidence of her dependence at the time of his death is clear and convincing.

This committee think that, under all the circumstances, she should be pensioned. If the son had not met his death he would have been pensioned long ago upon the record made by the Government as to his injury in the service. He did not get any pension; his mother should, and the committee therefore recommend the passage of the accompanying bill.

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 765.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 864.]

The Committee on Pensions, to whom was referred the bill (S. 864) granting a pension to Martha F. Woodrum, have examined the same, and report:

That the records in this case show that James Woodrum was a private in Company C, Ninth Regiment Kansas Cavalry, and that while on detached service, and under orders, he was shot dead while on his way to perform the duty assigned.

Taking into consideration the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill and recommend its passage, with the following amendments: Add after the word "Woodrum" in the fourth line, the words "widow of James Woodrum, a private in Company C, Ninth Regiment Kansas Cavalry," and also strike out all after the word "roll," in the fifth line, and insert "according to the provisions and limitations of the pension laws."

O

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 766.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2149.]

The Committee on Pensions, to whom was referred the bill (S. 2149) granting an increase of pension to Herman Baumhager, have examined the same, and report:

The petitioner was a private in the Fifth Regiment, Minnesota Volunteers, Company E. He was pensioned for paralysis of the right side, a disability resulting from his service. He was first allowed $20 a month, and was advanced to $30 a month on account of increasing disability. His infirmities have grown upon him, so that at the present time he is comparatively helpless. His attending physician certifies to his protracted knowledge of his condition, and describes paralysis of right arm, hand, and leg, and partial loss of speech. His helplessness is such that he requires an attendant to dress and feed him.

The committee report the bill with an amendment, changing the word "fifty" to "forty" in the sixth line, and, as amended, recommend that it do pass.

C

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 767.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1582.]

The Committee on Pensions, to whom was referred the bill (S. 1582) granting a pension to Alpheus R. French, have examined the same, and report:

That the records in this case show that claimant joined the First United States Infantry on May 1, 1830, and served an enlistment of five years in Company E, under Captain Gales and Col. Zachary Taylor, and was in the battle of Bad Axe, 1832.

That he re-enlisted May 2, 1835, for three years in the same company and regiment, and was transferred to Capt. Thomas Barker's company (D), and was ordered to Florida during the Seminole war. He was with Col. Zachary Taylor at the battle of Okeechobee.

That he re-enlisted on August 15, 1842, in Lieut. R. Granger's company (H), same regiment, for a period of five years, and during this service arrived at Vera Cruz, Mexico, before the siege or landing of the troops.

That he assisted in organizing the First Minnesota Volunteers in the spring of 1861, and that he also assisted materially in organizing and recruiting the Fourth Minnesota Volunteers the same year, and in December, 1861, was appointed first lieutenant and adjutant of the Fifth Minnesota.

In May, 1862, the brigade to which he was attached was at Pittsburg Landing, also at the siege of Corinth, and in September and October, 1862, was under General Rosecrans at the battles of Iuka and Corinth, Mississippi, October 3 and 4, 1862.

Becoming disabled for service he tendered his resignation, to date March 29, 1863, and upon his health becoming partially restored again accepted a lieutenancy in Company F, of the United States Veteran Reserve Corps, on October 24, 1864, in which he served until mustered out, June 29, 1866.

The affidavits in this case show that the disabilities have continued to increase from time to time until the present, and that now, at the age of seventy-eight years, claimant is confined to his room and bed, requiring the care and attention of another person a large share of the time.

The board of examining surgeons of the Pension Office, in a certificate dated January 10, 1885, describe his disabilities as chronic rheumatism, with enlarged joints and disease of the heart, and rate his disability total.

In view of the facts set forth in this case, the committee believe it to be their duty to report favorably a bill for the relief of this man, who has

given the best years of his life to the continued service of his country, and who ought to be taken care of, as he is now no longer able to care for himself.

Taking into consideration all the evidence on file in this case, your committee report in favor of this bill as amended, to wit, by striking out the words "one hundred," in line 7, and inserting in lieu thereof the word "fifty," and as amended they recommend the passage of the bill.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 768.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2113.]

The Committee on Pensions, to whom was referred the bill (S. 2113) granting a pension to Mrs. Sarah Young, have examined the same, and report:

This bill is for the relief of Mrs. Sarah Young, of Iowa, who rendered valuable service during the civil war as Army nurse. Its passage is asked in numerously signed petitions, representing the Grand Army organizations, and in a petition signed by hundreds of citizens of the State; and the legislature of Iowa passed a joint resolution appealing to Congress for aid in her behalf. It appears that the devotion of this woman was such as to rank her with the women who have distinguished themselves by extraordinary sacrifices to relieve suffering in the hospitals and on the field of battle. This lady was furnished by the Secretary of War with passes to all points, so that she had unrestricted freedom to visit the sick and wounded, wherever they might be, and it is related of her that she constantly carried with her stores of supplies for their relief and comfort. In view of the fact that there are precedents for extending benefits of this kind, and that she is aged and indigent, the bill is reported favorably, with a recommendation that it do pass.

O

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 769.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1958.]

The Committee on Pensions, to whom was referred the bill (S. 1958) granting an increase of pension to Addison A. Jackson, have examined the same, and report:

That the records in this case show that claimant, who was a sergeant in Company I, Twelfth Regiment Illinois Volunteers, enlisted July 24, 1861, and was discharged October 24, 1864. Declaration for pension filed March 24, 1880, alleging gunshot wound left knee and thigh, for which claimant was pensioned at the rate of $2 per month.

It appears from the records that this soldier was a brave man, and although seriously wounded he returned to his regiment and remained with it, participating in every battle until mustered out. That for gallantry in action he was promoted to first lieutenant, which rank he held when mustered out.

From the time of the injury until now claimant's health has steadily grown poorer, as is shown by the testimony on file.

The examining surgeons' certificate, dated September 24, 1884, says that in addition to the wound for which claimant was originally pensioned—

> His joints all present a puffy appearance. The joints of the fingers of left hand are twice as large as normal. His circulation is very poor, pulse weak and irregular. His stomach large (bloated) and very sensitive to the touch. Liver is large and very tender,

and they rate his disability total.

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of the bill, and recommend its passage. Had claimant been pensioned as of the rank to which he was promoted for gallantry it would have been for a larger sum.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 770.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1826.]

The Committee on Pensions, to whom was referred the bill (S. 1826) granting a pension to Andrew J. Burrill, have examined the same, and report:

The petitioner is Andrew J. Burrill, late captain of Company A, Fiftieth Regiment Indiana Volunteers. He applied for a pension in February, 1871, alleging disability from chronic diarrhea resulting in piles. He was rejected by the Pension Office on the ground that the disabilities existed prior to enlistment. In reference to the officer's history, the Adjutant-General furnishes information from the records, for the use of the Commissioner of Pensions, in which is included the certificate of the surgeon of the regiment, who certifies that Captain Burrill has "camp dysentery." He has for months been suffering with piles, and from his present condition the surgeon says, "He can never recover in this camp;" "that in consequence thereof he is unfit for duty;" and upon this certificate the officer is granted a leave of thirty days. The history, as further supplied by the Adjutant-General, shows by continous dates intervals of sickness at home and in quarters, and finally it comes to his resignation, and gives a copy of his letter, in which he says he resigns his commission on account of ill health; that he has been afflicted with hemorrhoids for some months, and for the last month or two has been unable to perform his duties; that he is now in hospital. Then follows a certificate from the medical department of his regiment, which states that on examination, the officer is found unable to perform his duties in consequence of frequent, profuse hemorrhoids of the bowels; that the disease existed prior to entering the service, but has been greatly aggravated by camp life. The examining surgeons certify to the severity of the disabilities.

Notwithstanding the evidence of prior disability furnished by the War Department, and the declaration of the Pension Office that any additional testimony the claimant may file would not benefit his claim, there have been ten special examinations, resulting in an accumulation of confusing and contradictory testimony, some of it coming from reputable witnesses, vindicating the officer's claim, with a proporation of adverse statements from witnesses, some of whom are apparently candid, while others are strongly biased.

It is difficult for the committee to determine, from such a mass of conflicting proof whether or not the officer was sound when he entered the service. Some affirm, of their personal knowledge, that he was

well, while others assume exactly the reverse. The certificate of the regimental surgeon is the most damaging, but he gives no reason in support of his bare statement. The officer entered the service as a lieutenant and was promoted to captain. He was then comparatively and apparently a well man. All the testimony is positive as to his good character, and as to his present disabled and suffering condition.

The committee are of the opinion that he is entitled to some relief, and report the bill favorably, and recommend that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 771.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1825.]

The Committee on Pensions, to whom was referred the bill (S. 1825) granting a pension to Elizabeth Forgey, have examined the same, and report:

The petitioner in this case is Elizabeth Forgey, widow of James A. Forgey, late of Company H, Twenty-ninth Regiment of Iowa Volunteers, to whom was granted an invalid's pension by special act of Congress, approved March 3, 1875. There is satisfactory proof that the soldier died of the disease for which he was pensioned.

The bill is therefore reported favorably, with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 772.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1642.]

The Committee on Pensions, to whom was referred the bill (S. 1642) granting a pension to William F. Harmon, have examined the same, and report;

The claimant in this case was a private in Company C, One hundred and forty-eighth Ohio National Guards, enlisted for one hundred days. He alleges that he had measles while in the service; that while sick he took cold, which resulted in pains and weakness in the chest; that it became permanent, and disabled him from performing manual labor.

His application for pension is rejected "on the ground that the evidence fails to connect alleged disease of chest with measles, or that it is otherwise due to the service."

Reputable witnesses testify that he was a sound man before he entered the service, and that he has not been well since his discharge. The Adjutant-General's report shows that he was sick at the Home of the Sanitary Commission, Washington, D. C., but the Surgeon-General furnishes no evidence on the subject.

The soldier has filed ample testimony from his physicians and acquaintances, but he is unable to produce evidence of the character required by the Pension Office.

There is sufficient ground for the conclusion that he was accepted as a sound man, and that he was otherwise when he was discharged, and that he continues to be in a condition that prevents him from engaging in labor for his support.

The committee are of the opinion that the claimant may properly be relieved to the extent he claims, and report the bill favorably with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 773.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1768.]

The Committee on Pensions, to whom was referred the bill (S. 1768) granting a pension to John D. Fincher, have examined the same, and report:

The claimant was a private in Company H, One hundred and thirty-second Regiment, Pennsylvania Volunteers.

He was discharged on the 24th day of February 1863. Prior to his discharge he was in the United States general hospital at Philadelphia sixty days, and in his certificate the surgeon says: "The disease was contracted by exposure and fatigue while performing the duties of a soldier." The surgeon adds that he was discharged for "general debility, which will disable him from performing the duties of a soldier for a great length of time."

The report of the Surgeon-General says: "He entered Saint Aloysius Hospital, Washington, D. C., November 16, 1862, with diarrhea"; that he entered general hospital, Race street, Philadelphia, December 18, 1862, with bronchitis, and was discharged from service February 25, 1863.

The Adjutant-General reports him in hospital at Warrenton, Va.; that he was left sick at Warrenton; that muster-out roll of company, dated May 24, 1863, reports him discharged for disability at Race Street Hospital, as above.

Comrade Francis M. Thomas testifies:

> That he knew said John D. Fincher since early boyhood; that for at least five years prior to his enlistment he had opportunities of seeing him daily, and that he had no reason to doubt his soundness of health; that he was a comrade of his in Company H, One hundred and twenty-third Pennsylvania Volunteers, and that he was taken sick at or near Warrenton, Va., in the fall of 1862, and from there sent to Washington to hospital; that he believes said John D. Fincher still suffers from the effect of his sickness and exposure.

This testimony was given on the 10th of March, 1884.

The claimant alleges that at Warrenton, Va., November 15, 1862, he contracted bilious fever, followed by chronic diarrhea and lung trouble.

The examining surgeon identifies chronic diarrhea, but not lung disease; but he says there may be some pleuritic adhesions. The examining board find nothing the matter with him; a circumstance so inconsistent with the whole record of the case as to be inexplicable to the committee. The proof of his former soundness, of his contracting disease, and of its present existence, is so satisfactory as to justify the committee in reporting the bill favorably, with a recommendation that it do pass.

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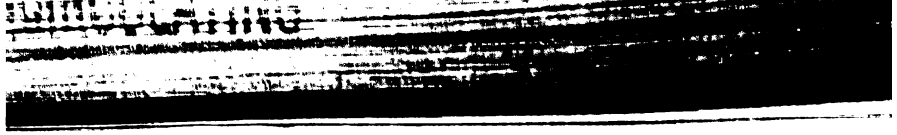

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 774.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1654.]

The Committee on Pensions, to whom was referred the bill (S. 1654) granting a pension to Joseph Mays, have examined the same, and report:

That the records in this case show that claimant enlisted July 1, 1863, as a private in Company M, Ninth Kansas Cavalry, and was discharged July 17, 1865.

Declaration for pension filed June 22, 1880, alleging gunshot wound in left arm, shattering both bones.

Claim rejected April 23, 1885, on the ground that "records fail to show the circumstances under which alleged wound was received, and claimant has declared his inability to furnish satisfactory evidence showing its receipt while in line of duty." The committee is unable to determine why this pension was not granted through the Pension Office, or what that office considers "satisfactory evidence."

In this case there is,

(1) Claimant's statement, which is corroborated by the records sent to the Pension Office from the War Department, in which occurs this statement:

Regimental hospital register shows Joseph Mays admitted July 26, 1864, with gunshot wound, forearm.

(2) The affidavit of W. Wakefield, M. D., the regimental surgeon who dressed claimant's wound, and who describes minutely the circumstances attending it.

(3) The affidavit of Capt. John L. Price, Company M, Ninth Kansas Cavalry, that claimant was out on a foraging expedition, and was attacked by bushwhackers and wounded.

(4) The letter of John L. Price, late captain Ninth Kansas Cavalry, corroborating claimant's statement, and that wound was received in the line of duty.

(5) The affidavits of comrades James Lansing and George R. Bowser, who were with claimant and near him when he was shot in a skirmish with bushwhackers.

(6) A letter written to John H. Osborn, and signed O. P. G. Clarke, of the Pension Office, asking about the circumstances of the wounding, and on the back of that letter Mr. John H. Osborn states that he knew Joseph Mays, and knew he was wounded in the left arm, and thinks he was foraging at the time.

(7) Testimony of John H. Osborn, corroborating above.

In addition to the above there is the certificate of Examining Surgeon E. I. Prothrow, as to the wounds and the effect.

It would appear that the evidence is abundant as to when, where, and how the wound was received, and that its consequences still incapacitate the claimant from performing full manual labor. Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 775.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2151.]

The Committee on Pensions, to whom was referred the bill (S. 2151) granting a pension to Bartola Thebant, have examined the same, and report:

The petitioner was a soldier in the Florida Seminole Indian war, and served in Captain Ledwith's company, Florida Mounted Volunteers. He applied for a pension on account of injuries incurred by being thrown from and kicked by his horse. The Commissioner of Pensions rejected the application on the ground of insufficiency of testimony to prove that the injury was received while in the line of duty. In the opinion of the committee the affidavits of his associates in the service, both officers and privates, as well as the medical testimony, not only show the incurrence of the disability as claimed, but its continuance, and the good reputation of the claimant.

The bill is reported favorably with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 776.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1852.]

The Committee on Pensions, to whom was referred the bill (S. 1852) granting a pension to Jane R. McQuaide, have examined the same, and report:

The petitioner is the mother of F. G. McQuaide, deceased, late a private in Company C, Ninth Regiment Pennsylvania Volunteers. The application was rejected on the ground that the claimant was not dependent on the soldier at the date of his death.

The evidence shows that the father and mother were living on a farm at the time of the son's enlistment, prior to which he had contributed by his labor to their support; that he sent them a portion of his monthly pay; that he died shortly after his discharge from disease contracted in the service; that his father owned a farm, but it was heavily mortgaged, and that the dockets contained innumerable judgments against him; that he died poor, leaving his widow in destitute circumstances; that she is still very needy.

The committee report the bill favorably, with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 777.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1853.]

The Committee on Pensions, to whom was referred the bill (S. 1853) granting a pension to Isabella Jessup, have examined the same, and report:

The petitioner is the widow of Mahlon Jessup, deceased, late a private in Company D, Fourteenth Regiment of Iowa Volunteers. At the battle of Shiloh the soldier was wounded in the left arm, from which erysipelas ensued before amputation. He was also wounded in one of his legs, and he was pensioned for loss of arm and leg wound at $8 a month, which was increased to $18 a month. At the time of his death the widow applied for a pension, but was rejected on the ground that his decease had no connection with the disabilities for which he was pensioned. The committee are of the opinion, from the testimony furnished by the claimant, that a different conclusion is justified. The wounds and amputation were enough to impair the man's health, and to this was added blood-poisoning from erysipelas. On this subject the testimony is ample, but we refer to only one witness, Dr. J. A. Day, who treated the soldier during his last sickness, and who says:

> The erysipelas that ensued amputation never left him, and he was subject to succeeding attacks. From the wound in the leg he complained almost constantly of pain. His last sickness was pneumonia of right lung, but the extent of lung trouble did not warrant an unfavorable prognosis. He sank as from blood-poison. The connecting pathology can only be explained in the following manner: On account of the gravity of his wounds his system had become a perfect wreck before he contracted pneumonia, and not being able to withstand such a shock, he succumbed readily in the face of all remedies that I and a consulting physician could bring to bear on his case.

This view is corroborated by other testimony. It is also in evidence that the widow is advanced in years, and in such needy circumstances as to have become, to some extent, a recipient of charity.

The committee report the bill favorably, and recommend that it do pass.

49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 778.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1817.]

The Committee on Pensions, to whom was referred the bill (S. 1817) granting a pension to John McKernon, have examined the same, and report:

The soldier who sues for a pension in this case is sixty-four years of age, and has been in the military service continuously twenty years. He claims that he is a sufferer from a disease of the feet, the medical name of which he does not know. The Adjutant-General's report gives a history of his long service, and that of the Surgeon-General thus identifies his disability:

Entered post hospital, Benicia Barracks (arsenal), California, December 9, 1884, from quarters, with eczema of both feet, originating in line of duty (report for April, 1885, shows chronic eczema of both feet), and was discharged from service May 27, 1885, on expiration of term of service; disease originating in line of duty; cure incomplete.

Thus it appears that he contracted the trouble from which he suffers in the line of his duty, and that the Army surgeons were unable to cure him.

At the bottom of the Surgeon-General's report there is this note:

Attention is invited to indorsement of Maj. C. C. Bayne, surgeon United States Army.

This is what Surgeon Bayne says:

The within-named man was admitted to the Soldiers' Home June 19, 1885, he having served over twenty years as a soldier. He underwent no physical examination on admission. He reported at sick call July 1, 1885, with chronic eczema of leg. He is now a patient in this hospital, suffering from the effects of habitual intemperance.

The committee are unable to determine whether intemperance has aggravated the disease or the disease has aggravated intemperance. Accepting the proof as it is furnished, both exist, and one is pensionable. The bill is therefore reported favorably, with the recommendation that it do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 779.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1635.]

The Committee on Pensions, to whom was referred the bill (S. 1635) granting a pension to John Rasler, have examined the same, and report:

The petitioner was a corporal in Company C, One hundredth Indiana Volunteers. He was pensioned at the rate of $2 a month from June 9, 1865, and ending July 13, 1881, when the Commissioner of Pensions decided that the disability had ceased. The disability was caused by impure vaccination, and produced sores on his legs. It is a description of poisoning that is very liable to be permanent. A petition from Mitchellville, Iowa, where he now resides, signed by over sixty citizens and members of the Grand Army posts of the Department of Iowa, says he is unable to labor for the support of himself and family, and is now being supported by this organization and the county. The bill is reported favorably, with a recommendation that it do pass.

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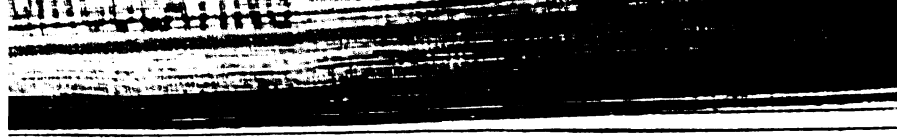

49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 780.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1421.]

The Committee on Pensions, to whom was referred the bill (S. 1421) granting a pension to William H. Weaver, have examined the same, and report:

The claimant enlisted June 12, 1862, in Company I, One hundred and forty-third Pennsylvania Volunteers, and served without interval, except when prevented by sickness, until his discharge, June 12, 1865. He applied for a pension November 8, 1877, and in his declaration avers that at Belle Plain Landing, Va., March 4, 1863, he was sick with measles; at Spottsylvania Court-House, Va., May, 1864, he had remittent fever. As results of fever and measles is afflicted with weakness of limbs and disease of eyes. The Pension Office seems to have been in great doubt about this case, to aid in solving which six special examinations have been made. The special examiners have been sent repeatedly to Iowa and Pennsylvania in pursuit of testimony, and after all the expense and trouble incurred, finally denied the relief for which the soldier sued. In two instances the special examiners reported favorably, declaring that there is evidence of disability, and of its incurrence in the line of duty.

One of them concludes his report in these words:

> The claimant is given by all parties an excellent reputation for industry and honesty. Not a word to the contrary have I heard uttered. From all the evidence in the case it is my candid opinion that this is a just and honest claim, and the claimant should have the benefit of all doubts.

The committee, after a careful examination of all the evidence bearing upon the case, have arrived at the conclusion expressed by this examiner, that the claimant should have the benefit of whatever doubt may exist in consequence of his inability to procure the testimony exacted by the Pension Office, and therefore report the bill favorably with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 781.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1779.]

The Committee on Pensions, to whom was referred the bill (S. 1779) granting a pension to John P. Taylor, have examined the same, and report:

The claimant enlisted October 30, 1863, in Company I, Eighth Tennessee Cavalry, and was discharged December 24, 1864. His application for a pension was rejected by the Commissioner of Pensions, after special examination, on the ground that he was lame and had sore eyes before he enlisted, and that there is no record that his feet were frost-bitten.

The Adjutant-General reports that the records do not show disability or injury as alleged, but there is evidence from this source showing that he was in hospital at different times. The special examiner says he was told that the soldier was lame before the war, and this information was furnished by an officer of the regiment.

The Adjutant-General's report contains this statement, "deserted from; missing in action," so that it appears this man, a cripple, and alleged to have become so before the war, *was* in action.

The Surgeon-General reports him in hospital on two occasions, once with typhoid fever, from which he returned to duty.

The examining surgeons all find that both bones of his right leg are fractured, and from the irregular union of the bones the leg is distorted, bent outward, producing lameness, and they admit that he has some weakness of the eyes.

The committee do not feel justified in adopting the conclusion of the Pension Office, that the man was disabled before enlistment, because it would be an admission that a deformed cripple was accepted in a service that requires, and it is bound to recruit, none but sound soldiers. If, however, this man *was* in the condition alleged before he enlisted it was not his fault, and it is presumable that his condition was not improved by the hardships to which he was exposed.

The bill is reported favorably, with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 782.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1626.]

The Committee on Pensions, to whom was referred the bill (S. 1626) granting a pension to John Reed, sr., have examined the same, and report:

Martha Reed, the mother of John Reed (a private in Company G, Seventh Regiment Michigan Volunteers), was granted a pension commencing the 5th day of December, 1862. She has since died, and the accompanying bill is to grant a pension to John Reed, sr., the aged and dependent father of the soldier above named.

The committee report the bill favorably, with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. } SENATE. { REPORT No. 783.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1783.]

The Committee on Pensions, to whom was referred a bill (*S.* 1783) *granting an increase of pension to George Bliss, have examined the same, and report:*

The petitioner was disabled by a gunshot wound in right foot, while serving in Company I, Thirty-fourth Massachusetts Volunteers. He was pensioned at the rate of $4 a month, and applied for an increase, but was rejected by the Commissioner of Pensions. Dr. J. W. Hastings, late surgeon of the Thirty-third Massachusetts Volunteers, certifies to his long acquaintance with the soldier; that he examined him on the 24th of February last; that the disability is permanent, and of a grade to entitle him to increase. Numerous citizens of Massachusetts petition for the increase on the ground of his need and of the low rating by the Pension Office.

The bill is reported favorably, with a recommendation that it do pass.

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49TH CONGRESS, 1st Session. | SENATE. | REPORT No. 784.

IN THE SENATE OF THE UNITED STATES.

APRIL 27, 1886.—Ordered to be printed.

Mr. SAWYER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1627.]

The Committee on Pensions, to whom was referred the bill (S. 1627) granting a pension to Mrs. M. C. Miles, have examined the same, and report:

The petitioner is the widow of Marcus H. Miles, late a first lieutenant in the Eleventh Michigan Cavalry.

The claimant made application for a pension on the ground that her husband received an injury that resulted in hernia, and which was the cause of his death. The Commissioner of Pensions decided that his death was not a result of his military service. There is no record testimony other than that which identified the soldier in his line of duty.

The surgeon of the Eleventh Michigan Cavalry, Lucius C. Woodman, testifies that he was well acquainted with Marcus H. Miles, and he describes minutely the accident, which occurred from a fall while on a train of cars, and from which it appears that hernia was immediately produced, and for which he was treated then and subsequently by Surgeon Woodman. The colonel of the regiment was present and testifies to all the circumstances and to the subsequent disability of Lieutenant Miles, and to the necessity of placing him on detached service. The Adjutant-General certifies to the presence of these two officers at the time.

The physicians who attended Lieutenant Miles during his disability and down to the date of his death, agree that he was not able to perform any kind of labor, and that the cause of his death was paralysis of the bladder and suppression of the secretions from the kidneys, owing to nervous prostration and continued irritation from complicated hernia.

The committee report the bill favorably, with a recommendation that it do pass.

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